













THE  
CALCUTTA REVIEW,

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*'No man, who hath tasted learning, but will confess the many ways of profiting by those, who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our feet, so long as 'in that notion, they may yet serve to polish and brighten the armoury of truth, even for that respect, they were not utterly to be cast away.'*—MILTON.

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# CALCUTTA REVIEW.

NO. LXXXV.

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# THE CALCUTTA REVIEW.

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- ART. I.—1. *Memoir of the war in India conducted by General Lord Lake, Commander-in-chief, and Major-General Sir Arthur Wellesley, Duke of Wellington, from its commencement in 1803, to its termination on the banks of the Hyphasis.* By Major William Thorn, Captain, 25th Light Dragoons. London. T. Egerton, 1818.
2. *A sketch of the rise, progress, and termination of the regular corps, formed and commanded by Europeans in the service of the Native Princes of India, with details of the principal events and actions of the late Marhatta War.* By Lewis Ferdinand Smith, late Major in Dowlut Rao Scindia's service. Calcutta. Printed by J. Greenway, Hurkaru Press.
3. *Asiatic Annual Register*, 1806. London, 1809.
4. *East India Military Calendar, in three volumes.* London, Kingsbury, Parbury, and Allen, Leadenhall Street, 1826.
5. *The History of British India, by Mill and Wilson, in ten volumes.* London, James Madden, 8, Leadenhall Street, 1858.
6. *A History of the Mahrattas, by James Grant Duff, Esq., in three volumes.* London. Longmans, 1826.
7. *A Collection of Treaties, Engagements, and Sunnuds, relating to India and neighbouring countries, compiled by C. W. Aitchison, B. C. S., Under-Secretary to the Government of India in the Foreign Department, Calcutta.* J. L. Kingham, Foreign Department Press, 1864.

OF all the great warriors who contributed to establish British supremacy in India, not one earned a higher reputation

for chivalry and daring than did Lord Lake ; not one ever combined, to a higher extent, the most undaunted courage with that clear-headedness and presence of mind, which in him were never so remarkable as amid the roar of artillery and the whistling of bullets. He was not much a tactician. Indeed, for manœuvring, as such, he had always a sort of lofty contempt. His principle of war was to ascertain where the enemy was, then to close with him quickly and rapidly, never to let go his hold till he had beaten him. He had all the natural qualifications for a general of this class. It has been recorded of him, that to judgment and quickness of perception he united courage, decision, and a remarkable capability of bearing fatigue. He possessed, in an eminent degree, the art of conciliating the confidence and attachment of those under his command. In all his great Indian battles the mutual confidence felt by the soldiers in his leadership, and by himself in his soldiers, is clearly visible, and to this feeling, and to his wonderful presence of mind under all circumstances, may be attributed his success against numbers greatly superior. And this indicates another peculiarity in his mode of warfare. Although general of the army, he always led on his men in person. The greater the danger, and the more difficult the position, the more surely was he to be seen at the head of his troops, whether cavalry or infantry, leading them to the charge or to the assault. Whatever may be thought of such conduct in the abstract, it is certain that its effect on his soldiers was electric, and, considering the circumstances in which he was placed, fighting at the head of an extremely small force against an enemy strong in prestige and in numbers, it may be doubted whether any other tactics would have been equally successful.

The adoption by Lord Lake of this daring, dashing, system of warfare, may be attributed not less to his early education than to his natural character. Both as a very young, and as a middle aged man, he had enjoyed peculiar opportunities of observing, that the very fact of moving on to an attack imbued the advancing troops with a moral power, which gave them a great superiority over a standing enemy, and that although a larger immediate loss of life might sometimes result from such tactics, it often had the effect of putting an end to the war. Thus, in his first campaign, as an ensign in the Foot Guards, during the seven years' war in Germany, he had become familiar with the tactics of the great Frederick, and had noticed how he, by acting up to this dashing principle, succeeded in confounding his numerous enemies. He himself was serving in that war, with the rest of the English contingent, under Prince Ferdinand of

Brunswick, and it was in the year after he joined\* that he gave the first indication of the possession of that spirit and presence of mind to which we have alluded. It was at the combat of Williamstadt near Cassel. The French army was already almost beaten and was retiring, when a portion of their cavalry, making a detour, came upon the right of the allied army, and caused a sudden panic amongst the troops stationed there. Of these young Lake's regiment formed a part, and the men composing it, with the exception of a very few, joined in the flight. No sooner did Lake see this than he waved the colours, which he was carrying that day, and, forming up the few men who remained with him, shewed a bold front to the enemy. This conduct had such an effect upon the fugitives, that they at once rallied to his support, and the French were beaten off.

The experience he gained in the next war in which he took a part,—the war caused by the revolt of the American colonies,—only confirmed his early impressions. It is true that he joined the army under Lord Cornwallis but a short time before its humiliation at York Town, yet, before the surrender, he seized the opportunity of particularly distinguishing himself by attacking and storming one of the enemy's batteries, in such a manner as to obtain the warmest thanks of the Commander-in-chief. From the spectacle here afforded him of this army compelled to capitulate, he drew a very practical deduction regarding the loss of moral spirit and physical power, almost inevitably produced by inaction.

But his third campaign, against revolutionary France, in 1793, probably had the greatest effect in forming his character as a general. He was then nearly fifty years old, and was serving as Brigadier General in command of the brigade of Guards, the entire army being under the direction of the Duke of York. Although this campaign opened with some success for the allies, yet its conclusion was disastrous. The allies took Valenciennes, and Brigadier General Lake himself contributed to the success of the battle in which Dampierre was killed, and afterwards beat the French at Lincelles. This action may be regarded as a type of the battles he was about to fight in India, and he displayed in it the same tactics. The enemy were superior in numbers,

\* It may be necessary to state here that Lord Lake was born on the 27th July 1744 at Ashton Clinton in the county of Buckingham, that he joined the army as an ensign in the 1st Regiment, Foot Guards, in 1758, and the English contingent under the Marquess of Granby in Germany in 1760.

were very strongly posted,—but they were stationary. Though the position was extremely strong, General Lake resolved to storm it. He accordingly formed his men up, and led them himself against the enemy under a heavy fire. The French fought well, but the impetus of the attack was too much for them. They were completely dislodged, with the loss of their guns.

Such victories, however, were exceptional. In that war, the French were generally the attacking, and, therefore, the victorious party, and it concluded, so far as the Duke of York's army was concerned, by a retreat from the Waal to the mouth of the Elbe, which, in the intensity of suffering from cold, and in its disastrous results to the soldiers engaged, has been surpassed only by the terrible retreat of the French from Moscow in 1812. It deserves to be recorded, however, that throughout that retreat, the rear guard of the British army performed wonders, and that General Lake made himself conspicuous on several occasions. At Bois d'Alkmaer, his personal exertions contributed materially to the safety of his brigade.

From the close of that campaign, in 1794, to the date of his appointment as Commander-in-chief in India, in 1800, General Lake saw no foreign service. He was employed, however, in 1798, in crushing the rebellion in Ireland,—a service he performed most effectively, by the exercise of his favourite tactics, first at Vinegar Hill, and afterwards at Ballinamuck, where the French general, Humbert, surrendered to him with the eleven hundred men, at whose head he had too rashly invaded the country.

We have thus briefly referred to the services of Lord Lake in Europe, under the idea that his character can be better appreciated by a glance at the schools in which he served his apprenticeship. There can be little doubt, we think, that the contemplation of the daring campaigns of the great Frederick, who won battles with his soldiers' legs, and for whom no position was too strong to assault,—in the first place,—and the experience of the triumph of revolutionary onward-moving France against her methodic and stationary enemies,—in the second,—contributed not a little to influence his after career. Considering the country he was coming out to, and the enemies he was to encounter, he could scarcely have had a better training.

It was in the year 1801, he being then fifty-six years of age, that General Lake came out to India as Commander-in-chief. He proceeded almost immediately to Cawnpore, which was then our frontier station, and busied himself there with a constant exercise of his men. To the tactics of the cavalry especially

he paid very great attention. The great use that might be made of this arm, especially by combining its movements with the movements of artillery, in a flat country like India, did not escape him. It was during the exercise-months that followed his arrival, that on the plains about Kanouge to the north of Cawnpore, he devised and put into execution a scheme, which he afterwards found of incalculable use, *viz.*, that of attaching to each regiment of cavalry, two light six pounder guns, splendidly horsed. These guns, which were called 'galloper guns,' formed, in fact, a part of each cavalry regiment, and the combined movements of the two arms were conducted with the most perfect exactness, and the most wonderful effect. It was during these exercises that General Lake had the first opportunity of displaying in India that courage and coolness which were afterwards so conspicuous in the field. An officer of his staff, Major Nairne, had speared a tiger, when riding out with the Commander-in-chief in the jungle. The infuriated animal at once turned upon him, and was in the act of making a spring, when General Lake, with imperturbable presence of mind, coolly drew a pistol from his belt, and shot the tiger dead upon the spot.

For about a year after the arrival of the new Commander-in-chief, nothing occurred to demand his presence in the field. In the beginning of 1802 however, he was called upon to chastise the rebellious spirit of some zamindars, whose territories, in virtue of an agreement made with the Nawab Wuzeer of Oudh, had been made over to us, but who had refused to submit. Against these General Lake marched with a small force. The resistance he experienced was very obstinate, and it was not until after he had lost many lives, that their strongholds were carried.

Peace had scarcely been restored in these districts, when rumours of a contest with the Mahrattas began to circulate very freely in the camp. We will not enter here into the causes which had tended to raise that power into the formidable position it occupied after the downfall of Tippoo Sultan. Fortunately, the Mahratta power was not directed by one ruling mind. It was a confederacy, divided into five heads, all jealous of one another, and of these five heads, the wise policy of the Governor General of India, the illustrious Marquess Wellesley, had succeeded in the interval between the fall of Tippoo and the time of which we are writing, in reducing two,—the Peshwa and the Guikwar,—into a state of dependence on the British. The three that remained, Scindia, Holkar, and the Bhonsla, viewed with a jealous dread the gradual progress of the British arms. They accordingly banded together to overthrow us. But when all their preparations had been completed, Holkar stood hesitatingly



aloof, leaving his two allies to bear the brunt of the contest which their preparations had made unavoidable, waiting apparently the first results of the campaign to determine in what manner he should act. But Scindia and the Bhonsla alone were most formidable enemies. Between them, they possessed, actually if not nominally, the whole of Berar and Bundelcund, a portion of Malwa and Rajpootana, the imperial cities of Delhi and Agra, and the country known as the Doab, north of the town of Coel,—the fortress of Allygurh, two miles from that town, constituting the frontier fortification.

The Mahrattas were very famous warriors. Originally their great strength consisted in their numerous cavalry, capable of any amount of endurance, able to subsist without a commissariat, without tents, without organisation. Taking with them but sufficient for the provision of the day, a spare blanket and a\* spare horse, they subsisted on the country through which they passed, until a great victory or some unlooked for prize gave them the opportunity of loading themselves with plunder. With the advance of time they had submitted to a rude sort of discipline, without in any way impairing their hardihood or their efficiency. They possessed, too, numerous guns, the use and value of which they had learned from the French. Their valour had been proved on many a field and over many a foe. Though almost annihilated by Ahmed Shah Abdallee at Paniput in 1761, they had gradually recovered their strength, until, under the greatest prince of the House of Scindia, Madhajee, they had gained possession of the whole of Central India, and, at the period to which we refer, were using the authority of the Emperor, Shah Alum, who was a State prisoner in their hands, still further to cement their power.

But to bring about this order of things, the Mahratta chieftains had not depended upon their swarms of cavalry and their splendid artillery alone. Madhajee Scindia had noted that the battles, which the French and English had gained against their native enemies, had been won chiefly by the infantry. To discipline this arm, therefore, his greatest efforts had been directed. He had invited adventurers from all parts of the world. One of these, a Savoyard, named de Boigne, a man of superior attainments, rose gradually to the command of the troops, which he himself had disciplined after the European fashion, and when, in 1797, he resigned his command into the hands of his master, Dowlut Rao, the successor of Madhajee, he left him thirty-two disciplined battalions, many of them commanded

by Frenchmen, and all imbued by a confidence in themselves, and in the discipline they had acquired, such as was possessed by no other soldiers in the country, except the British and Anglo-Indian.

In the command of these troops de Boigne was succeeded by Perron, a Frenchman, who had come out to India nearly fifty years before, as a common sailor. Perron was in many respects a superior man. He was indefatigable, energetic, attentive to his duties, brave, and a first-rate organiser. At the time to which we are referring, he commanded the troops on the frontier, having his head quarters at Allygurh. But his master Scindia, probably distrusting him, had, on the outbreak of hostilities, appointed a Mahratta, Ambajee Inglia, to take his place. The supersession, however, had not taken effect, when, on the 28th August, 1803, General Lake, at the head of an enemy numbering 5,000 infantry, 2,500 cavalry, with the usual proportion of artillery, crossed the frontier, about four miles to the south of Cœl.

The plan adopted by Lord Wellesley, when the outbreak of hostilities could be no longer doubtful, had been worthy of his comprehensive mind and strong practical intellect. To strike and strike at the heart, with a force that would be irresistible; to break for ever the power of the Mahratta confederacy; to deprive Scindia, on the one side, of all prospects of extending his possessions towards the south, and to rescue from his grasp, on the other, not only the imperial cities of Delli and Agra, but the person of the captive emperor,—were the great objects he proposed to himself. The first of these movements he entrusted to the vigorous arm of his brother, General Wellesley; the second was confided to the tried experience of the Commander-in-chief.

It was, then, in pursuance of instructions received from the Governor General, that General Lake organised a force at Cawnpore, in July, moved from that station with it on the 5th August, and crossed the frontier on 28th, to attack the enemy at Cœl.

Though General Perron commanded at Cœl, he had there a very small portion of his infantry. These, to the number of 2,000, he had thrown into the fort of Allygurh, which place he considered capable of sustaining a protracted siege. His plan was to attack the English force as it was moving upon Allygurh, with 8,000 Mahratta horse, and, should he fail to beat them, to move rapidly upon Delhi, collect his infantry there, and march upon the English whilst they should be yet engaged in the siege of Allygurh. It was a bold and well-conceived plan; but, in drawing it up, he had not made sufficient allowance for the

fact, that the troops to whom he was opposed were either English or officered by Englishmen, and that the name of their general was Lake.

At 4 o'clock in the morning, the English left their camping ground, and at 7 o'clock they came in sight of the Mahratta cavalry, drawn up in the plain in a strong position, their right resting on the fort of Allygurh, their front protected by a deep morass, and their left by two detached villages, in which they had placed some matchlockmen. General Lake at once carefully examined the position, and determined to attack the enemy on their weakest point,—their left flank. He accordingly formed his cavalry in columns of regiments, and placing himself at their head, moved off to the right, supported by the infantry. On taking up a position on the enemy's left flank, the general formed his cavalry into two lines, and moved on to the two villages, behind which the Mahratta cavalry slowly retired. The matchlockmen in these villages, however, poured in so annoying a fire, that General Lake halted the cavalry, and sent a battalion of sepoys to drive them out. This was effected in gallant style, and the cavalry again advanced. But they had scarcely cleared the villages, when the Mahratta horse was seen coming up in two lines, prepared to charge. But before they could carry out this intention, the galloper guns, attached to our cavalry, opened upon them. This fire was evidently a surprise, yet had Perron at that moment continued his movement, and ordered a charge, he might have taken the English cavalry, separated as they were from the infantry, at great disadvantage. But the artillery fire so confounded him, that he was incapable of giving any definite orders. The natural result followed. Indecision spread through the ranks, and, in a moment, the Mahratta horse fled in all directions. They were followed by our cavalry close to the walls of the fort, under the fire of which Perron withdrew them from the field.

He had still, however, left 2,000 men in Allygurh, under the command of Colonel Pedron, a brave and resolute officer. It had been calculated that this place could hold out for six weeks at least. The importance with which it was regarded by the French commander may be estimated by the letter which he wrote on the occasion to Colonel Pedron, and which ran thus:—‘ You will have received the answer you are to make to the propositions of General Lake. I never could have believed for an instant of you could have thought of a capitulation. Remember, you are a Frenchman; and let no action of yours tarnish the glory of your nation. I hope in a few days to send back the English general as fast as, or faster than he came. Make yourself

‘perfectly easy on this subject. Either the Emperor’s army or that of General Lake shall find a grave before the fort of Allygurh.’

The first act of the British general was to summon the fort to surrender, but Colonel Pedron gave him the answer that became a brave man; General Lake, therefore, resolved to lose no time in attacking it.

To attack it, however, by regular approaches, would, he soon saw, occupy sufficient time to enable the enemy to assemble in such force, as seriously to compromise his army. Yet it was equally impossible for him to march to Delhi, leaving Allygurh in the hands of the Mahrattas. There was one other chance,—a desperate one,—and that was to attempt it by a *coup-de-main*.

The defences of Allygurh were particularly strong; and not only that, but the country had been levelled for a mile round it, and the fire of the fort guns covered the entire intermediate space. There was but one passage across the ditch into the fort, and at the entrance to this was a strong gateway. Three other gateways had also to be forced before the body of the place could be entered.

It was, nevertheless, that passage, strengthened as it had been to meet such an attempt, which the British general resolved to force. At 3 o’clock on the morning of the 4th September, therefore, he detached, under the command of Colonel Monson, a storming party, consisting of four companies of the 76th regiment, the 1st battalion 4th native infantry, and four companies of the 17th native infantry. These were afterwards reinforced by the 2nd battalion 4th native infantry. This party moved at once to within 600 yards of the gateway, and then halted. On the booming of the morning gun,—the signal previously agreed upon,—two batteries of four 18 pounders each, which had been erected for the purpose the previous evening, opened fire on the defences, and under cover of their fire, the storming party advanced to within an hundred yards of the gate before they were perceived. On recognising the advancing line, the enemy hastily abandoned a traverse that had been thrown up in front of the first gateway, and retired within the fort. Noting their retreat, Colonel Monson hastened to follow them with two companies of the 76th, hoping to enter with them, but he was too late. The gate was shut, and the entrance to it defended by a tremendous cross fire. Nor was an attempt at escalading made by Major McLeod and some grenadiers of the 76th were successful, for the enemy’s pikemen crowded the walls in such numbers, that success was impossible. A six pounder gun was then brought up to force open the gate, but as it

did not succeed, it was followed by a 12 pounder, and from this four or five rounds were ineffectually fired. All this time, a period of twenty minutes, our troops were exposed to a tremendous fire of grape and musketry, and, not content with that, some of the enemy clambered down the scaling ladders, and attacked our men with their pikes. By one of these Colonel Monson was wounded, and here six officers and several men were killed. Just, however, as matters were getting very critical, the first gateway was forced open, and our troops, pouring through it along a narrow causeway, quickly mastered the second gate,\* then, advancing with a rush, passed through the third simultaneously with the enemy's fugitives. There remained yet one more, the gateway leading into the body of the place. The artillery officer having been killed, some delay occurred in bringing up the 12 pounder, and when it came, the gate had been too strongly secured to be forced. Major McLeod of the 76th, however, succeeded in opening the wicket, and dashing through it, followed by his men, he ascended the ramparts, and drove the enemy from the place, or forced them to surrender. Our loss in killed and wounded was 260; that of the enemy much greater.

The capture of Allygurh,—an event which elicited the strongest eulogiums from Marquess Wellesley, and which by the panic it struck into the minds of the natives, gave them an overwhelming idea of European daring, and contributed probably to the inaction of Holkar,—enabled General Lake to attempt the other object he had in view, *viz.*, to pursue and to encounter the main body of the enemy's forces, before they could receive any reinforcement from Scindia. Accordingly, having detached a party of cavalry to look after a French partisan of the name of Fleury, who had attacked Etawah, and having restored and improved the fortifications of Allygurh, the general marched on the 7th September towards Delhi, and encamped that same evening at Soomna. Here he received a letter from Perron, intimating that he had resigned the service of Scindia, and soliciting safe conducts for himself and two of his officers into British territory. These were readily granted, and overjoyed at this signal proof of the injured *morale* of the enemy, the Commander-in-chief pushed forward on the following morning to meet their new general, also a Frenchman, M. Louis Bourquin. On the night of the 11th September, Bourquin, at the head of twelve

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\* The advance of our troops which much facilitated by the guidance of an adventurer, Lieutenant Lucan, who had quitted the service of Scindia on the declaration of war. He was killed on the first day of Colonel Monson's retreat, noticed further on.

battalions of infantry, five thousand cavalry, and seventy guns, crossed the Jumna with the express purpose of attacking the English force. Our army, much fatigued after a long march, had but just reached at 11 o'clock in the morning the banks of the Jehna nullah, six miles from Delhi, when Bourquin with his whole force was upon them. The British troops, 4,500 strong, had already grounded their arms, many were undressed, and all scattered. General Lake, however, with his usual alacrity, hastily collected the 27th light dragoons, and the 2nd and 3rd regiments of native cavalry, and pushed on within cannon shot of the enemy, to reconnoitre. He found them halted in a position which had been previously selected with great care, each flank being covered by a swamp, their front by a line of intrenchments, and their numerous guns almost hidden from view by a high grass jungle. The fire of the enemy was instantly directed upon this large body of cavalry, which, however, continued stationary, in order to give time to the infantry to come up and attack the intrenchments. It was more than an hour before this could be done, and in the interval, the enemy's fire caused us great loss in men and horses, the Commander-in-chief himself having a horse shot under him.

At length, perceiving that the infantry had begun to move to the front, and having had time to notice how very strong was the position of the enemy, General Lake resolved upon a movement, which should at the same time entice them from their strong position, and cover the advance of his infantry. Accordingly, he gave orders to his cavalry to retire slowly from the front of the enemy's position, and to move in the direction of the infantry. No sooner had they begun this movement, than the enemy, conceiving them to be beaten, advanced with loud shouts from their intrenchments,—their artillery in the front,—to convert the retreat into a rout. Still the cavalry continued their retrograde movement, until they found themselves on the infantry. The cavalry then opened from the centre, and the infantry marching through, advanced steadily with sloped arms towards the enemy, led by the Commander-in-chief in person. On arriving within eighty yards of their guns, which all this time were pouring upon them showers of grape and round shot, the line halted to give one volley; then, bringing their muskets to the charge, they rushed forward with such impetuosity, General Lake leading them, that the enemy gave way, and fled precipitately. On this taking place, the line halted, and formed into column of companies, upon which, as had been before arranged, the cavalry and the galloper guns rushed through the intervals, and rendered the victory complete. The enemy were pursued to the

Jumna, in which many of them perished. Their loss was enormous ; ours amounted to 486 killed and wounded. All their artillery and stores fell into our hands, and, what was of a moral importance still stronger, the imperial city of Delhi, within sight of which the battle had been fought, was occupied two days later by the conqueror. It deserves to be recorded that Bourquin and the French officers were the first to quit the field, and Bourquin himself and four others surrendered, the day after the action, to the English general.

The battle of Delhi may justly be regarded as one of the most brilliant feats of arms ever performed by a British general and an Anglo-Indian army. The skill, the daring, the intrepidity of the Commander-in-chief were not more worthy of notice than the discipline and gallantry of the soldiers, European and native. From Marquess Wellesley all the actors in it received well-earned eulogiums. 'The decisive victory gained 'in the battle of Delhi, on the 11th September,' he wrote in his general order, 'justified the firm confidence reposed by 'the Governor General in Council, in the bravery, perseverance, 'and discipline of the army, and in the skill, judgment, active 'spirit, and invincible intrepidity of their illustrious commander. 'The glory of that day is not surpassed by any recorded 'triumph of the British arms in India, and is attended by 'every circumstance calculated to elevate the fame of British 'valour, to illustrate the character of British humanity, and to 'secure the stability of the British Empire in the East.'

On the 14th September, General Lake entered Delhi, and liberated from confinement the unhappy blind old king, Shah Alum, who had been so long, not only a state prisoner, but subjected to tyranny and insult. By him, and by all the inhabitants of Delhi, the English army were hailed as deliverers, and they showed their title to that designation, by observing the strictest discipline during their occupation of the imperial city. Having made the necessary arrangements for the security of the capital and the tranquillity of the surrounding country, as well as for the peaceful enjoyment by the Emperor Shah Alum of his freedom and dignities, General Lake left Delhi with his army, on the 24th September, for Agra, which place it was his intention to besiege. He arrived there on the 4th October, and encamped within long cannon shot of the fort. The garrison of Agra consisted of 4,500 fighting men, under the nominal command of an English adventurer, Colonel George Hessian ; but, distrusting him and their other English officers, six in number, the troops had mutinied and made them prisoners. Besides these troops, there were encamped under the walls of the

fort, three battalions of the army that had been defeated at Delhi, and four battalions of Perron's fifth brigade, just arrived from the Dekkan, under the command of Major Brownrigg, with 26 pieces of cannon. The garrison had refused to admit these troops into the fort, because there were within its walls twenty five-lakhs of rupees, their share of which, they feared, would be lessened by a further accession of troops. They, therefore, occupied the city and glacis. In addition to these, twelve battalions of regular troops had taken up a position in the rear of the besieging army, on the Delhi road, with the view, should the siege be protracted, of attempting to recover the imperial city. The Commander-in-chief, having noted this state of things, resolved, with his accustomed skill and energy, to dislodge those battalions on the glacis and in the city before commencing the siege. Accordingly, on the morning of the 10th October, he detached two battalions of sepoys under Brigadier General Clarke, to attack the city; one battalion under Colonel M'Collough to attack the enemy on the western face of the fort; and a fourth battalion under Captain Worsley to attack them on the southern face. These three attacks completely succeeded, though not till after a long and severe resistance, costing us 213 men killed and wounded. The loss of the enemy was computed at 600, besides which, all their guns, 26 in number, were captured, and they were so dispirited by the defeat, that two days after, 2,500 of them surrendered in a body to the English general, the conditions being that they should be taken in the Company's service, on the same pay they received from Scindia.

This difficulty being removed, the general prepared in earnest for the siege, and on the 16th opened his batteries. The next day, however, the garrison demanded terms of capitulation. These were, after some discussion, agreed to, and the fort was evacuated on the 18th. By this surrender, 25 lakhs of rupees and 162 pieces of cannon fell into our hands. But, what was of infinitely more importance, a line of defence along the left bank of the Jumna was secured, and the British were left at liberty to pursue Scindia's brigades into his own territory.

It has been mentioned that whilst the army was encamped before Agra, twelve of Scindia's battalions with some cavalry and guns had taken up a position on the Delhi road in their rear. These consisted of seven battalions which had come up from the Dekkan, styled the Dekkan invincibles, reinforced by five others which had escaped from Delhi, of 1,500 cavalry and 74 guns, about 9,000 men in all. This force was commanded by Abajee, a Mahratta, and was officered entirely by natives. To pursue and destroy this, representing as it did the last remnant of the force disciplined by



de Boigne, was the object General Lake proposed to himself after the fall of Agra. Accordingly, after making the necessary preparations for its defence and for the care of the wounded, he started on the 27th October at the head of three regiments of dragoons, five of native cavalry, one European regiment of infantry, the 76th, and four battalions of sepoys, in pursuit. He soon ascertained that the Malharrattas had moved off in the direction of the Jyepore country. Thither, accordingly, he followed them. The heavy state of the soil saturated with rain, having compelled him to leave the greater part of his artillery behind him, he pressed on by forced marches, and arrived, on the night of the 31st, on the ground which the enemy had only quitted that morning. As this ground was but thirty-three miles from the hilly country of Mewât, the only pass into which could have been easily made almost impregnable, the general resolved to push on with his three cavalry brigades, and try the effect upon the enemy with that arm alone.

Accordingly, at 12 o'clock that same night, he set off, leaving the infantry to follow. At sun-rise, next morning, he came up with the enemy at the village of Laswarrie. Here they were very strongly posted, their right thrown back on a rivulet 'the banks of which were extremely difficult of access; their left rested on the village of Laswarrie, whilst their entire front, which lay concealed from view by long grass, was defended by 'a most formidable line of artillery.\*' Owing partly to the long grass, and partly to the clouds of dust which were blown from the enemy, the strength of their position was not at once apparent to General Lake, and as it appeared to him that their movements indicated an intention to retreat to the Mewâttee hills, from which they were then but eight miles distant, he resolved to attack them without waiting for the infantry. Accordingly, he formed up his cavalry, and, as usual, placing himself at their head, ordered successive charges to be made by the advanced guard and the first and second brigades, on the left of their position, whilst the third should turn their right. The charges on the left were most gallantly executed; the enemy were driven back into the village, several guns were taken, and their line in some instances penetrated, but owing to the attack being unsupported by the infantry, the guns could not be carried off, and, on the cavalry retiring, they were recovered by the enemy. In this attack our loss was heavy, Colonel Vandeleur, commanding the brigade, receiving a mortal wound. But the charge of the third brigade was even more desperate, and, if possible, more daring. This brigade, consisting of

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\* *Thorn.*

the 29th dragoons and the 4th native cavalry had been directed to turn the right of the enemy's line. To obtain a position from which to effect this, they moved along the front of that line, exposed to the fire of 74 guns, which lay concealed by the long grass. Heedless of this fire, however, they moved on to the position that had been marked out for them, formed up as steadily as if on parade, and charged the hostile batteries. Here, however, their success was but transient, for though they rode through the guns, they failed to reach the infantry, who were posted behind an intrenchment, from which they poured in a musketry fire most galling to our men. In this unequal conflict they were some time engaged making heroic efforts to get at the infantry. But it was in vain, the steady fire from the enemy's line made terrible havoc amongst them, and at last, the general, perceiving the inutility of farther persevering in a fruitless attack, drew off all his cavalry, resolving to watch the enemy till the infantry should arrive.

At noon the infantry came up, eager for the attack. But, having made a forced march of twenty-five miles, the general ordered refreshments to be served out to them before leading them into action. After an hour's respite for this purpose, during which the enemy entered into negotiations to surrender their guns,—but which came to nothing,—he formed them into two columns, the first of which was to turn the enemy's right, now concentrated round the village of Mohaulpore. The second was to support it, whilst one portion of the cavalry should draw off the enemy's attention by threatening his left, and another should hold itself in readiness to take advantage of any confusion in the hostile line.

These dispositions having been effected, the first column moved on. But their advance was no sooner perceived by the enemy, than they threw back their right, and concentrated on the advancing column the whole fire of their artillery. So great was the slaughter, especially in the leading regiment, the 76th, that the general, who was with them, resolved not to wait for his supports,—the advance of which had been delayed,—but to press on at once to the enemy's guns. But the enemy's resistance was so determined, and the fire so hot, that but little impression was made even by this advance. At this moment, too, our advancing column was charged by the enemy's cavalry. Although this charge was repulsed, yet the position was altogether so critical, that orders were sent to our cavalry to make a counter attack. As they were forming up for this purpose,\* the

\* At this point of the action a matchlockman pointed his matchlock close to the side of the general, but just as the piece was discharged, the Commander-in-chief turned involuntarily, and the contents passed under his arm, burning only his coat.—*Thorn.*

horse of the Commander-in-chief was shot under him, and his son,\* whilst in the act of tendering to him his own, was shot by his side and severely wounded. This affecting incident was not lost upon the troops; it appeared to inspire them with enthusiasm. Just at that moment, the order to charge sounded, whilst seventy pieces of cannon opened on our line. The advance of our men, however, was irresistible; again they drove back the gunners, and the Commander-in-chief, this time, having infantry with him, brought them up at the right moment, and secured the greater part of the guns. Both arms then pressed forward. The enemy, however, fought with the most determined courage, and did not quit the field until they had been driven from every position, and had lost every gun.

This was the most desperate and well fought battle in which our force had yet been engaged. 'From the commencement of the conflict early in the morning,' says the historian† of that period, 'to the close of the general action in the evening, the enemy discovered a firmness of resolution and contempt of death, which could not fail to command the admiration of their opponents.' Let it never be forgotten that those who constituted that enemy were the warlike sons of Hindostan. Here they were unaided by the presence of European officers, though trained in a European school; they were left solely to their own resources; and though superior in numbers, the superiority was by no means strongly marked. Yet, here they fought with a gallantry, a resolution, an energy, that would have done honour to any troops in the world.

In this obstinately contested battle, it has been very generally‡

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\* This son, the honorable G. A. F. Lake, became afterwards Lieutenant Colonel of the 29th Foot. He was killed at the battle of Roleia, on the 17th August 1808, just when, at the head of his regiment, he had forced the pass, the possession of which decided the victory.

† *Major Thorn.*

‡ The following observations on this battle are from the pen of Marquess Wellesley: 'The victory, however, must be principally attributed to the admirable skill, judgment, heroic valour, and activity, of the Commander-in-chief, General Lake, whose magnanimous example, together with the recollection of his achievements at Coël, Allypore, Delhi, and Agra, inspired general confidence and emulation. In the morning General Lake led the charge of the cavalry, and, in the afternoon, conducted in person, at the head of the 76th regiment, all the different attacks on the enemy's line; and on their reserve, posted in and near the village of Mohaulpore. On this day two horses were killed under the Commander-in-chief. The shot showered around him in every direction. In the midst of the danger and slaughter which surrounded him, he displayed not only the most resolute fortitude and ardent valour, but the utmost degree of professional ability and knowledge, availing himself, with admirable promptitude, of every advantage presented by the enemy, and frustrating every effort of

conceded that the credit of the victory was due not less to the unsurpassed valour of our troops, than to the character, the presence of mind, and the personal exertions of the general himself. His influence with the soldiers, their confidence in his generalship and resources, his coolness in danger, the reliance he had in himself, were never more conspicuous than on this occasion. The imperturbable coolness with which, after repulsing the enemy's cavalry, he halted his own columns, to allow the dragoons to come up to make a way for the infantry, has never been surpassed on any field, whilst the touching incident by which it was marked gave to it a romantic colouring, by which its effect on the troops was greatly heightened.

The victory was the most important of the war. The last remnant of the disciplined battalions of Scindia, raised with so much care by de Boigne, were, in this action, destroyed; whilst seventy guns and numerous stores of all sorts, fell into our hands. Our loss was in proportion, amounting to 823, killed and wounded, or nearly one man out of every five engaged. The loss in the 76th regiment was especially great, and the general, as he rode through their ranks after the battle, could not refrain from dropping a tear at the terrible reduction in their numbers.

On the 8th November, the force left Laswarrie, and on the 14th, treaties were concluded with the Raja of Ulwar, as well as with the Rajas of Jyepore and Joudhpore, the object being the exclusion of the Mahratta power from their territories. A treaty was concluded, about the same time, with Begum Sumroo, and her troops, 2,000 strong, joined our army in December, after a long and difficult march from the Dekkan. The force then proceeded to Canoare,—where the Commander-in-chief had an interview with Runjeet Singh, Rajah of Bhurtpore,—and thence by slow marches to Biana, opposite the pass leading into the territories of the Rajah of Jyepore, where it remained halted from the 27th December 1803, to the 9th February following.

Meanwhile, whilst these events were progressing in the north-west, English arms had been no less successful in the south. At Assaye, on the 24th September, and at Argaum on the 28th November, the combined armies of Scindia and the Raja of Berar had been signally defeated. Such, indeed, was the consternation produced by these defeats that, on the 7th December, the Raja of Berar withdrew from the confederacy, and, on the 30th,

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‘the enemy's obstinacy and boldness. His masterly plans of attack during the action were carried into instantaneous execution by his unrivalled personal activity; and he appeared, with matchless courage and alacrity, in front of every principal charge, which he had planned with eminent judgment and skill.’

Scindia, deserted by him, and abandoned before the outset of hostilities by Holkar, signed a treaty of peace\* with General Wellesley.

This treaty put a stop to the further operations of General Lake against Scindia. We have seen, in detail, how completely successful he had been, how utterly he had destroyed the ambitious projects formed by that chieftain. With a force, at no time exceeding 5,000 foot, 2,500 horse, and a small proportion of artillery, he had, between the 29th of August and the 1st November,—a short period of little more than two months,—destroyed the thirty-one battalions which the French adventurers had disciplined with so much care for the service of Scindia; he had stormed the fort of Allygurh, captured Agra, and entered as a conqueror the imperial city of Delhi; he had taken four hundred and twenty six pieces of cannon,—and more than all, he had proved the soundness of the theory, that a British general, possessing the confidence of his troops, may dare almost anything in India. Thus Lake, at Allygurh, stormed a fortress which was apparently as proof against the chances of a *coup-de-main* as any fortress in the world; at Delhi, finding the position of the enemy so strong, that a direct attack upon him must be attended with enormous loss, he tried an experiment, which can only be successful when troops have confidence in their commander, and their commander in the troops,—that of enticing him from his intrenchments by a feigned defeat. At Agra again, deeming the possession of that fortress of the last importance to the success of his operations, he deliberately sat down before it, although, in addition to the garrison within its walls, a second hostile force had possession of the city, and a third was marching on his rear. Beating one force, frightening another into quiescence by his fearless attitude, and compelling the fort to surrender, he dashed then hastily in pursuit of the last remnant of the enemy, making for the hilly country of Mewāt. These he encountered and brought to bay only eight miles from their destination, then with his cavalry alone keeping them in position till his infantry could come up, he launched upon them his well-tried veterans, and after a conflict, which in the desperate valour evinced by both sides, has never been surpassed, destroyed or forced into surrender the entire force. What a career! Wonderful not less in the magnitude of the events, than in the rapidity, in the completeness, with which they were executed,—a rapidity and a completeness, for the solution of which we must look to the quick, decided, energetic character of General Lake.

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\* The treaty of Surjee Arjengauin.

It was not considered improper or detrimental to military discipline in those days, for the officers of the army to express publicly their sense of the high qualities of the Commander-in-chief, even during his tenure of office. During the campaign we have described General Lake had enjoyed very many opportunities of displaying other qualities besides those of a daring and successful general. His conciliatory and genial manners, his care of the troops, and his attention to the comfort alike of officers and soldiers, had, not less than his lofty contempt of death, the dashing manner in which he had led his troops into action, his imperturbable coolness under fire, won for him the regard of all ranks. He had shown himself essentially a fair man. In his treatment of the officers in the immediate service of the King, and those in the employ of the East India Company, he had made no distinction. Those only had obtained his patronage, who had merited it by their character and their actions. At the close of this campaign, therefore, and when it seemed, for a moment, as though it only remained to guard the conquests that had been won, the officers of both services belonging to the army he commanded, determined to present to General Lake a testimonial of their attachment and esteem. The sum of four thousand pounds having been subscribed, a committee was appointed to offer to the Commander-in-chief a service of plate of that value,\* with an appropriate letter. This was accordingly done.† General Lake replied the same day, accepting the testimonial as coming from 'officers of an army whose meritorious services throughout this campaign must ever entitle them to the highest respect and honour?' Although the practice of giving and receiving

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\* The inhabitants of Calcutta also presented General Lake with a sword of the value of £1500, and one to General Wellesley, valued at £1000. It was to commemorate these two campaigns, that the marble statue of marquess Wellesley, now in Government House, was subscribed for.

† The following is the text of the letters referred to, dated 21st December, 1803. 'We, the officers of the British Indian army, who have had the honour of serving under your Excellency's personal command, during the present campaign, impressed with sentiments of high respect towards your Excellency, and admiration of those exalted talents by which we have been led to a series of brilliant victories, confirming the superiority of British arms in this remote quarter of the globe, and yielding to us a soldier's best reward, the approbation of Government, beg leave to request your Excellency's acceptance of a service of plate of the value of four thousand pounds, in testimony of our attachment and esteem. 'Zealously devoted to the service of our King, our country, and the Government under which we have the honour to serve, it only remains for us to express our sincere and ardent hope, that we may long enjoy the advantage of being placed under your Excellency's guidance and

testimonials, whilst the recipient is in active service would not be tolerated in the present day, it is impossible not to respect the genuine feeling which prompted the officers of that gallant force, thus, at the close of the campaign, to dedicate a large proportion of their prize money to do honour to the general, to whose daring leadership and never failing self-reliance they felt so greatly indebted for the success they had achieved.

Before proceeding to describe the course of action which, after a very brief interval of rest, forced the British general into warlike measures against another Mahratta power, it may be convenient to refer very briefly to the operations by which, at the time of the campaign against Scindia, Bundelkund and the fortress of Gwalior were brought under subjection to British arms. The Peshwa had, in 1802, escaped from the state of vassalage in which he had been held by Scindia and Holkar, by throwing himself, as we have intimated, under the protection of the British. By the treaty made on that occasion,\* certain territories south of the Taptee, and between the Taptee and the Nerbudda had been ceded by the Peshwa to his protectors. But it was afterwards agreed that in lieu of a portion of this ceded territory, the greater part of the province of Bundelkund, over which the Peshwa held a nominal sovereignty, but which lay at an inconvenient distance from Poona, should be made over to the British. It was to carry out this arrangement, that on the 6th September, 1803, a detachment of British troops under Lieutenant-Colonel Powell crossed the Jumna, and, on the 14th,

‘command; and that wherever the interests of the State may require our services, inspired by your animating example, and cherished by your applause, we may continue to follow you to victory and renown.’

General Lake replied thus:—‘I receive with sentiments of the most lively gratitude the valuable testimony of the esteem and attachment of the army with which they have honoured me.

‘This mark of regard is peculiarly flattering from the officers of an army whose meritorious services throughout this campaign must ever entitle them to the highest respect and honour.’

‘In the hour of severe trial, next to that Providence who protects us, I have trusted to the invincible firmness, steady support, and unexampled gallantry of my army; and the distinguished success which has, in every instance, crowned our exertions, has fully justified my entire confidence and firm reliance.

‘I shall with pride and pleasure reflect upon those situations in which we have together maintained the honour of our King and the glory of our country.

‘The possession of this valuable testimony of your attachment, will serve to awaken those sentiments of esteem, gratitude, and affection, which are already too deeply imprinted on my mind ever to be forgotten.’

*Treaty of Bassein, dated 31st December, 1802.*

joined the native troops of Himmutoo Bahadoor, the chief representative of the Peshwa's authority in the provinces on the borders of Bundelkond. The cession of that territory was, however, disputed by another chieftain, Shumsheer Bahadoor, and it was not until Colonel Powell and his native allies had bombarded Calpee into surrender,\* that Shumsheer realised the folly of further resistance. He continued, however, to negotiate until the offer of an annual pension of four lakhs to him and his family induced him to submit entirely to the arrangements made with the Peshwa. About the same time the Subadar of Jhansie entered into an alliance, offensive and defensive, with the English.

There was one other chieftain upon whom the progress of British arms in Bundelkond had an important effect. This was Ambajee Inglia, the Mahratta chieftain, who, it will be recollected, had been selected by Scindia to supplant the Frenchman, Perron, in the government of his dominions in the north-west, just previous to the outbreak of hostilities. The English had not yet come to an arrangement with Shumsheer Bahadoor, when Ambajee, noting their progress in Bundelkond, offered to transfer his allegiance from Scindia, in lieu of a guarantee of the more important of his possessions. So long, however, as Shumsheer remained unsubdued, Ambajee carefully avoided entering into any positive engagement, but when the fortunes of that chieftain had sunk to their lowest ebb, Ambajee, bent on securing himself, entered into conditions with the Commander-in-chief, whereby he abandoned all his territory north of Gwalior, and that fortress itself, to the British, on condition of being assured independent possession of the remainder.†

But although he had agreed to these terms, Ambajee sent private instructions to the commandant of the fortress to refuse to surrender it. Standing on the summit of a very steep hill, about a mile and a half in length, with a width of three hundred yards in its broadest part, well-fortified, abundantly supplied with stores, and regarded by the natives as impregnable, Gwalior, he probably thought, would successfully defy the small force of native troops that had been detached by the Commander-in-chief under the orders of Colonel White to take possession of it.

But he had not sufficiently considered the character of the English commander. No sooner did General Lake hear of the unexpected resistance, than he detached reinforcements of Europeans

\* 4th December, 1803.

† There were some trifling exceptions for which, however, Ambajee was to receive indemnification.



to Colonel White, and gave him authority to call up the contingent employed in Bundelkund. Colonel White, thus strengthened, opened fire on the fortress, effected a practicable breach on the 4th February, and, on the 5th, accepted the offer of the garrison to surrender on the condition that the value of certain stores were made over to them.

The capture of Gwalior and of some intermediate forts of secondary importance completed the line of defence against the Mahrattas, and assured the Commander-in-chief against the chances of an invasion of the country lying to the north or north-east of the line he had obtained. The possession of a great part of Bundelkund secured the country between Mirzapore and Midnapore. No enemy could even threaten that line without exposing his left flank in such a manner as to court destruction. Calpee on the right, and Etawah on the left, of the Jumna, secured the country between Allahabad and Agra, whilst the possession of Gwalior and Dutteah,\* and the alliance with Jhansie, rendered any direct attack from the south-west impossible. Never had British India occupied a position at once so safe and so commanding.

We must now turn for a brief interval to those proceedings of the Mahratta powers, especially of Holkar, which led to the renewal of hostilities. By the treaty† concluded with Dowlut Rao Scindia, that prince had ceded to the British all his positions in the provinces of the north-west, and all the territories he had held south of the Ajunta hills, with the exception of a few hereditary villages; and, he had, besides, resigned his claims on his former feudatory rajahs, with whom the British Government had made treaties. Subsequently to the signing of that treaty, alarmed at some hostile demonstrations made by Jeswunt Rao Holkar, Scindia had agreed to become a party to the defensive alliance subsisting between the British Government, the Peshwa, and the Nizam, on condition that the British should maintain a subsidiary force of six battalions, to be paid for out of the revenues of the ceded territories, for his defence. This arrangement was ratified in a fresh treaty signed on the 27th February, 1804, and in this it was agreed, that the six battalions should be stationed near Scindia's boundary but within British territory.‡

It has already been stated that when the movements of Scindia, in the early part of 1803, left to Marquess Wellesley no alternative between an ignominious admission of Mahratta supremacy

\* One of the forts of secondary importance referred to.

† The treaty of Surjee Arjengaum, 30th December, 1803.

‡ Aitchison.

and war, that chieftain had entered into an offensive alliance with the Raja of Berar and Jeswunt Rao Holkar, but that after hostilities had been actually entered upon, Jeswunt Rao had held aloof, and had watched with complaisance the overthrow of his two confederates. This conduct on the part of Jeswunt Rao is susceptible of easy explanation. Himself an illegitimate son, having seen one legitimate brother, Mulhar Rao, massacred by Scindia, and the other, Kashee Rao, a man of weak intellect, kept a prisoner by that prince, and used as a puppet by whose means his ancestral territories might be annexed, Jeswunt Rao had early perceived that his sole chance of safety and independence rested on the use he might make of the talents and energies with which he had been gifted. These were neither few nor inconsiderable. High-spirited, of daring courage, a splendid horseman, the leader in every charge, a Mahratta of Mahrattas, Jeswunt Rao was designed by nature to be a leader of men, a king amongst nobles. Immediately after the murder of his brother, therefore, he entered upon the one course which appeared to present to him at once a chance of vengeance, and a prospect of sovereignty. Escaping the fury of his enemy, he rallied round him the adherents of the house of Holkar, and called upon them to acknowledge him as their chief. Many responded to the call, and he soon found himself at the head of a force which, if not equal to the large armies of Scindia, was still respectable even in numbers. The comparative deficiency in numbers too, was more than compensated for by the vigour, the energy, and the skill of its leader. In the first encounter between the two rivals, all the advantages rested with Holkar. Encouraged by this, he determined to contest with Dowlut Rao the supremacy in the Mahratta confederacy;—a post, which long held by the Peshwa, had now come, by the gradual decline of the power of that potentate, to be regarded as the property of the chieftain who should exercise the greatest amount of influence at Poona. Pursuing this course, Jeswunt Rao marched at once upon that city, defeated Scindia in a bloody battle near it on the 29th October, 1802, and entered Poona\* a few days later.

It is unnecessary that we should refer at any length to the course adopted by Marquess Wellesley at this conjuncture. It

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\* Sir John Malcolm relates that in this battle, Jeswunt Rao 'led the charge on Scindia's guns, and being wounded, and pulled from his horse by an artillery soldier of great strength, he wrestled with his enemy on foot, until one of his attendants came to his aid, and, after slaying his antagonist, re-mounted him.'

was a course remarkable for the combined daring and wisdom by which all the public acts of that great statesman were characterised. Without irritating Holkar into war, he not only restored the Peshwa to his capital, but brought him, as well as the Guikwar, into a state of dependence on the British. By a masterly political stroke, in fact, supported by the equally masterly military movement of his brother, General Wellesley, the great Marquess cast off from the Peshwa's neck the iron yoke which Scindia, Holkar, and the Bhonsla, had each, as the power of each predominated, fixed upon him; deprived those three powers of the prestige attaching to intimate alliance with the possessor of Poona, and then presented himself ready to meet them, isolated as they were, on the field he had chosen.

The first result of this policy we have already shewn. Scindia and the Bhonsla, shorn of a great portion of their territories and a great portion of their power, had been completely humiliated. But Holkar had been untouched. It is probable, that having tested his superiority over Scindia at Poona, he was not sorry to see him weakened by the British, feeling that he would thus become even an easier prey to his own arms. He himself believed more in sweeping charges of Mahratta cavalry than in the slower attacks of disciplined infantry. But he shewed by his subsequent acts that he felt at this period master of the situation, and that he was waiting only an indication of the result of the war to declare himself.

He was, however, little prepared for the rapid movements of the two English generals. Coel, Delhi, Agra, and Laswarrie on the one side, and Assaye and Argaum on the other, all fought within a period of little more than two months, took him somewhat by surprise, and for a moment he appeared undecided as to his action. Even after peace had been signed with Scindia and the Bhonsla at Surjee Arjengaum, he long hesitated as to whether he should plunder the former, weakened by his losses, or, cementing an alliance with him, turn his arms against the British.

For a moment he seemed inclined to the former course, and it was from a real apprehension of his aggressions, that Scindia made that application for the British contingent, to which reference has been made. But soon other counsels prevailed. Before proceeding against Scindia, he felt that he must either have a guarantee for his own territories from the British, or he must shew himself their master. He tried for both ends about the same time. Whilst the envoy whom he sent to Scindia had instructions to induce that prince to enter into an alliance for the destruction of the British, the agents he accredited to these latter were

commissioned to make demands,\* which, if acquiesced in, would have left him free to re-build the Mahratta power on a basis more powerful than before.

But in both these attempts he over-reached himself. Scindia, smarting under the blows, the severity of which he attributed mainly to the treachery of Holkar, informed the British Government of the overture thus made to him, although, to maintain Jeswunt Rao in his delusion, he sent a return embassy to his camp, charged with professions of devotion. The letters† which, at the same time, Holkar despatched by the hands of his agents to the British generals, breathed a spirit so haughty, and a confidence in his own power so resolute, whilst, at the same time, his demands were so preposterous, that little doubt was left on the minds of either the Governor General or the Commander-in-chief, that he was really bent on war.

We left General Lake encamped at Biana, opposite the pass leading into the dominions of the Rajah of Jyepore. He had taken up this position, because, ever since the conclusion of the war with Scindia, the movements of Holkar had indicated an intention to make an incursion into those territories. Hence, before the receipt of the communications above referred to, he despatched a letter to Holkar warning him of the consequences of making war on any ally of the British nation, and advising him to remain within his own frontier. But Holkar cared little for such advice. Indeed, his first act after the receipt of this letter showed but too clearly, that he had resolved to break altogether with the English. He at once sent for an English adventurer in his service, named Vickers, informed him of his resolution to fight, and asked him as to his willingness to join in a campaign against his own countrymen. On receiving from Vickers a positive refusal, he called up two others, Dodd and Ryan, and put the same question to them. They also having declined, the three were simultaneously beheaded.‡

\* These were,—(1) leave to collect chout according to the custom of his ancestors, to obtain possession of Etawah and other territories in the Doab, Bundelkuud, and Hurriana, formerly possessed by his ancestors; the guarantee of the country he then possessed; and a treaty similar to that concluded with Scindia.—*Thorn's War in India*.

† In his letter to General Wellesley, he intimated that a war with him would not be without its perils, 'that countries of many hundred miles should be overrun and plundered, General Lake shall not have leisure to breathe for a moment; and calamities shall fall on thousands of human beings by the attacks of my army which overwhelm like the waves of the sea.'

‡ The excuse privately alleged by Holkar was that he had detected these men in correspondence with the British general, and under Tod's head, he affixed a letter which, he pretended, that officer had received from General Lake. Vickers was one of his best officers, and, had contributed greatly to the defeat of Scindia at Poona.

The heads were then fixed on lances in front of Jeswunt Rao's camp, and a public crier proclaimed that such would be the fate of every European who should fall into the hands of Holkar.

This barbarous murder,—the discovery about the same time of a correspondence with the Rohillas and Sikhs, having for its object a combination against us,—and the threatening position assumed by the forces of Holkar against Vypore,—determined General Lake to break up from Biana, and advance into that territory. This resolution he carried out on the 9th February, after having sent back his heavy guns to Agra. He marched thence leisurely to Hindown, and annoyed only by the marauding propensities of the Mewatties, who lost no opportunity of plundering the baggage carts and murdering all stragglers who fell in their way,\* arrived there on the 20th. Here he received reinforcements, consisting of the two flank companies of the 22nd regiment, the flank companies of the 1st Europeans, and five companies of the 16th native infantry. Here, too, negotiations were re-opened with Jeswunt Rao. No progress, however, having been made tending to a peaceful result, the army moved on the 8th March from Hindown to Ramgurh. It was here that the British Commander-in-chief received the haughty and defiant letters to which we have already alluded. The agents, who were the bearers of these messages, showed, likewise, by their arrogant language, a spirit not less haughty and self-confident. They openly avowed the connection of their master with the Rohillas and the Raja of Bhurtpure; they stated that a war with Holkar could never be attended with any profit to his opponents, since he was a marauder by profession, and disposed of 150,000 cavalry, at whose head he could inflict terrible injury on our territories, whilst defeat in one place would not prevent his re-appearance in another. They also added that Scindia was with them, and that a powerful French army had already landed on the coast, and was marching to their aid.

The Commander-in-chief contented himself with the dismissal of these envoys from the camp, with advice to Holkar to be more moderate in his demands, and continued his advance. Arriving on the 23rd at Ballaheera, he received a copy of the letter addressed by Jeswunt Rao to General Wellesley.† No further doubt remained on his mind as to the intentions of that chieftain, and learning a few days later that he had actually

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Wh. Amongst these was an officer of the 15th N. I., Lieutenant Tyson, induced not far from the outposts.  
 of the *see note to page 25.*

plundered the territories of the Jyepore Raja, he applied for and obtained the orders of the Government to act against him as an enemy.

On the 16th April, Marquess Wellesley issued instructions to the officers commanding in the Dekkan to co-operate with the movement against Holkar, which the Commander-in-chief had been instructed to make from the side of Hindostan. General Lake, meanwhile, had marched from Ballahera, and, on the 17th of April, reached Dowsa, about fifty miles from Jyepore. From this place he resolved to detach three native regiments under the command of Colonel Monson to protect that city, and to observe the movements of Jeswunt Rao.

Colonel Monson was a very gallant soldier. He had particularly distinguished himself at the capture of Allygurh, where he led the storming party, and received a severe wound. This wound had not only caused him much suffering, but it had prevented him from taking part in the subsequent actions of the campaign. It was, therefore, to compensate him for his enforced absence from the fields of Delhi and Laswarrie, and to give him a second opportunity of distinction, that the Commander-in-chief entrusted to him the command of the detachment destined to bear the first brunt of the encounter with Jeswunt Rao.

The force commanded by Colonel Monson consisted of both battalions of the 12th native infantry, the 2nd battalion 2nd native infantry, a detachment of European artillery, and some native cavalry levies commanded by Lieutenant Lucan and the Baraitch Nawab, with a Mahratta contingent under Bapoojee Scindia, a relation of Dowlut Rao. Pushing on towards Jyepore, Colonel Monson encamped near the city on the 21st, and found Holkar's army occupying a threatening position to the south of it. On the morning of the 23rd, however, Holkar without making any demonstration against the city or the British force, broke up from his encampment and marched to the south. But as it did not appear to be his intention to evacuate the country north of the Chumbul, the Commander-in-chief directed Colonel Monson to continue his advance, he himself following with the bulk of the army. As the British army approached, Holkar still continued to retreat, but it was not apparently until Rampoorra, a strong fort in the district of Tonk, had been gallantly stormed by Colonel Don, at the head of a force\* detached from the main army, that he abandoned all hopes of maintaining himself on the

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\* This force consisted of five companies of the 8th native infantry; the flank companies of the 2nd battalion 21st native infantry, the 3rd regiment native cavalry, and some guns.

northern bank of the Chumbul. On the fall of that place he retreated precipitately to the south.

Satisfied with the disappearance of the enemy to the southward, and anxious to recruit the European portion of his army, then suffering extremely from the heat, General Lake resolved to postpone any serious operations until after the rainy season. He, accordingly, reinforced Colonel Monson with two native battalions under Lieutenant-Colonel Don, thus raising his numbers to about 4,000 men, and instructed him to cover the Jyepore country, whilst he should move with the main body upon Agra and Cawnpore. There was not the smallest idea that Colonel Monson's force would be attacked. Hitherto, Holkar had shown but one disposition,—to flee, and it was believed that the movement ordered by General Wellesley, and entrusted to Colonel Murray, to march from Guzerat upon Indore,—would effectually prevent Holkar from attempting to recover ground in the north.

To open communications with this force, Colonel Monson, after the departure of the Commander-in-chief, moved\* on from Kotah, where it was previously encamped, through the Mokundra pass to Sonara. Having detached hence one regiment to take possession of the small but strong fort of Hinglaizghur, he marched on, notwithstanding bad roads and very rainy weather, to the village of Peeplah. Here he received information that Holkar had suddenly retraced his steps, and was encamped with a strong force of all arms on the river Chumbul, some five and twenty miles distant, covering the town of Rampoorā,† and guarding the only ford across the river by which it could be approached.

Colonel Monson had with him but three days' provisions, and he had experienced the greatest difficulty in obtaining supplies from the people of the country. He might indeed expect, could he reach Rampoorā, to victual his camp, but between him and that place lay the river Chumbul and the numerous army of Holkar. To stay at Peeplah with but three days' supplies, was impossible. To retreat to Hinglaizgurh or to the Mokundra pass before an enemy who had always hitherto fled before him, was not to be thought of. Rumours, too, reached him that the movement of Holkar indicated great infirmity of purpose, inasmuch as he had re-crossed the river, and appeared half-inclined once more to

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\* This movement was made by Colonel Monson on his own authority, and was rather opposed to the general instructions he received from General Lake. The Commander-in-chief, in fact, blamed him for having made it.  
 † The fort, Rampoorā previously referred to.

retreat. Nothing seemed so likely, in the judgment of Colonel Monson, to compel him to such a movement, as a daring and resolute advance. Notwithstanding, then, the heavy rain that fell all that night, Colonel Monson resolved to act as a soldier bred in the school of Lake, and to move forward.

Onward, then, he marched, on the 7th July, to Gooree, within six or eight miles of the enemy. But he had not been long on this encamping ground, when intelligence reached him of a nature to shake his resolution. First he learned that Holkar had crossed the Chumbul, then that he had re-crossed; but, finally, at 9 o'clock in the evening, it was affirmed that he had passed the river with his whole army, and was himself sitting on the left bank, with two lakhs of rupees before him, from which he was distributing largesses to his army. This at least seemed to indicate action. Orders were, therefore, issued to the troops to remain under arms all night, ready for any contingency that might occur.\*

But if Colonel Monson, in his advance from Peeplah to Gooree, had been mindful of the example of his great leader, now, when difficulties increased upon him, he showed that he did not possess that deliberate coolness, that imperturbable presence of mind under all circumstances, which constituted one of the secrets of the success of General Lake. Instead of taking counsel only from his own brave heart, and making that forward movement which, in all probability, would have induced Holkar to retreat without an action, he took the advice tendered to him by Bapoojee Scindia, who was in secret correspondence with Jeswunt Rao, and resolved to retreat. He was confirmed in this view by a rumour which reached him about the same time, and which was probably invented by the enemy, that Colonel Murray had found the difficulties to his advance too great to be surmounted, and had resolved to fall back on the river Mhye. In vain did his best officers entreat him to advance. In vain did Lieutenant Lucan beg him, on his knees, to attack Holkar, offering himself to encounter that chief with his own few levies. Colonel Monson had made up his mind. Telling Lieutenant Lucan that he, if he chose, might stay to encounter the whole Mahratta army, he gave orders for a retrograde movement. Holding his ground only during the night, he despatched at 4 o'clock in the morning his baggage and camp equipage in the direction of Sonara, following at 9 A. M. with the infantry and guns, leaving the cavalry under Lucan to cover the retreat. His hope was to reach the Mokundra pass before the enemy could overtake him. Once there, he calculated on being able to obtain supplies from his rear, and to defend the pass against all the force that Holkar could bring against it.



We have been careful to detail the movements of Colonel Monson up to the moment when he decided upon this retrograde movement in front of a barbarian enemy, because it affords an illustration of the great difference between the action of a master, and that of a pupil, who, though trained in that master's school, lacks the qualities which, in him, make boldness almost synonymous with safety. The world's history abounds with such instances. The pupils and successors of that Frederick, who for seven years had made head against combined Europe, were crushed in a single campaign by only one of the powers which when united with others, he had long baffled. The troops were the same, the principles of warfare he adopted were well known, the difference was simply that he possessed the power of knowing how to apply those principles, and they did not. It was the difference of the organization of one man's brain. So it was with Monson and Lake. Trained in the school of the latter, having seen what wonderful successes had attended him from merely advancing, Monson resolved to follow out that principle himself. When, therefore, he heard that the enemy were but twenty miles distant from him on the Chumbul, he advanced to within eight. Then, according to his calculations, the enemy ought to have retreated. But as they did not retreat, as they even showed a disposition to advance, Monson, possessing no creative power of his own, no innate evidence to force upon himself conviction, being but a copier without the talent to originate, became helpless as a babe. He had pursued Lake's system up to a certain point, then dropped it at the very moment when not to pursue it to the end, was to court failure and destruction. If Lake had advanced so far he would have advanced further. He would, in such a difficulty,—and, no doubt, it was a great difficulty,—have made up for the superior numbers of the enemy by the superior *morale* which the act of advancing would have given to his troops. His forward movement would have inspired confidence in his own men, have diminished it in the soldiers of Holkar, already distrustful of themselves, and half demoralised by repeated retreats. The difference between the two men was simply this, that the greater the danger, the more cool, the more self-possessed, the more daring, was General Lake; Colonel Monson, on the contrary, though possessing equal courage, could not see that in war, as in most other contingencies, when circumstances are more than usually threatening, boldness is prudence.

Into the full details of the unfortunate retreat it is unnecessary that we should enter. The outline we give will be sufficient to show the infinitely greater dangers likely to be

encountered by the general who retreats from, than by him who advances to attack, a barbarian enemy. The infantry had not left their ground three hours, before the Mahratta cavalry, 20,000 in number, flushed with the sense of superiority, and inspirited by the thought that they were the attacking party, dashed upon the Anglo-Indian horse. In the short but desperate contest that followed, Lieutenant Lucan\* and the Baraitch Nawab were completely overpowered. After fighting with all the energy of despair, they were both wounded and taken prisoners. Their combined squadrons were cut up, the galloper guns were taken, whilst the traitor Bapoojee Scindia went over to the enemy. Meanwhile, the infantry and guns retreated, the first day, 29 miles, to Soonara, the second day, nearly 20 miles, to the entrance of the Mokundra pass. Here Monson was attacked, after having refused a summons to surrender, by the whole force of the enemy, but after a contest, which lasted from 11 o'clock in the morning to 6 o'clock in the evening, he succeeded in driving them back in confusion.

It had been Colonel Monson's intention to hold the Mokundra pass, the entrance to which was strongly fortified, and to wait there provisions and reinforcements. But fearing, on his arrival, that the enemy might cut him off from Kotah, he resolved to retreat at once to that place, leaving Colonel Don with one battalion to defend the pass till the morning.

Three days of heavy marching brought the force, re-united by the junction of Colonel Don, who had successfully performed the part allotted to him, to Kotah, but as the Rajah of that place showed himself hostile, refusing provisions, and even retaining some stores that had been left in his charge, it moved at 9 P. M. of the 12th to Gunneas Ghât on the Chumbul. This place was reached after a most fatiguing march on the 13th, and the river crossed with much difficulty on the 14th, in the midst of pouring rain. On the 15th, the retreat was continued, the men marching through a very heavy country, the black soil of which was sticky with rain, from 10 A. M. to 7 P. M., taking refuge then, without order, discipline, or regard for rank, but crowding promiscuously together, in the huts of a deserted village. On the 16th, the ground becoming from incessant rain even heavier, the guns were spiked and left; our troops, notwithstanding, though marching eight hours, only accomplished as many miles. On the 17th, the force reached the Chumbullee nullah, near the entrance of the Lackerie pass. Here, in consequence of the swollen state of the nullah, it was compelled to halt till the 26th, in great distress from want of food, and harassed

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\* He died soon after.

by attacks from the enemy's parties. On the evening of that day the troops commenced crossing, but during the operation a great portion of their baggage cattle were carried off by the enemy's horse. However, on the morning of the 27th, the entire force had crossed over, and had begun its march towards the Lackerie pass, Colonel Don bringing up the rear. In this difficult march, the rear guard suffered much from the attacks of the Menahs, and the entire remnant of the baggage had to be abandoned. On joining the main body that evening, Colonel Don found a letter from Colonel Monson announcing that he had resolved to precede the force to Rampoor.\* The command, therefore, temporarily devolved upon Colonel Don.

On the 30th, after two dreadful marches, with but little food available, the force reached Rampoor. Here, after many orders and counter-orders, Colonel Monson, who re-assumed command, resolved to halt until he should receive the reinforcements which his urgent requisitions to the Commander-in-chief had led him to expect.

These reinforcements, consisting of the 2nd battalion 9th native infantry, and the 1st battalion 14th native infantry, with six guns and a corps of irregular cavalry, arrived on the 14th, but brought with them no supplies. Between this date and the 21st August, the force halted at Rampoor, threatened by Holkar on the one side, and by Bapoojee Scindia on the other. There can be little doubt that Colonel Monson might have made a successful stand at this place, as the fort of Rampoor was very strong, and the Tonk country favourable for the supply of his army. He had, too, received letters from General Lake, informing him of his having ordered, on the first news of his retreat, all the infantry in Agra to march to his assistance. But, to use his own expression, 'his mind was so distracted,' he could not think coolly upon any point. Instead, therefore, of remaining halted at Rampoor, he resolved to retreat to Kooshalghurh, where he expected he might be joined by a considerable detachment of Scindia's troops. Before doing this, he informed the commanding officers of his intention, adding that it would be for them to make their way to Agra as best they could.

To retreat to Kooshalghurh Colonel Monson had to cross the river Bunass, and, in attempting this on the 24th, after having left one battalion in garrison at Rampoor, he was attacked in force by Holkar, and was most severely handled. Colonel Monson himself behaved with conspicuous bravery, but the 2nd battalion 2nd regiment was almost annihilated, several of

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\* The fort in the Tonk district.

his best officers were killed or wounded, one howitzer was lost, and the spirits of native officers and men received a terrible shock. He succeeded, however, in reaching Kooshalgurh on the night of the 25th, after marching 36 miles, during which he was exposed to the repeated attacks of the enemy's horse. At this place he was fortunate enough to meet a thousand Brinjarrie bullocks which had been sent from Agra with grain for the use of his detachment, and which, fortunately, Holkar had just missed. Scindia's detachment however, which he expected would aid him, showed a decidedly hostile disposition. Great as had been Colonel Monson's troubles up to this period, they now became infinitely greater. During that night and the following day, the enemy came up in large numbers and surrounded the town, our troops retiring within it, and manning the walls to keep off attack. As the place, however, was not at all capable of defence, Colonel Monson determined to avail himself of the darkness to retire,—whither he scarcely knew. At 8 p. m. of the 26th, the attempt was made, our troops forming a square, and moving off in that formation. The retreat however, was soon discovered, and 20,000 cavalry were immediately on their track. But the steadiness of the 2nd battalion 21st regiment, who formed the rear face of the square, caused all their attacks, though they continued up to noon of the following day, to fail. The last remaining gun of the force, a howitzer, was, however, spiked and abandoned.

The attacks of the enemy ceasing about noon of the next day, our troops hurried on, living on the hard grain which they had no time to cook, and came about sunset within sight of Hindown. But to their disappointment they found it partly occupied by the enemy. Unwilling to risk a contest for its possession with a demoralised army, and an enemy following in his rear, Colonel Monson moved to the ruins of an old fort in the neighbourhood, and gave his men a few hours of repose. They were but a few however. At 1 o'clock in the morning, silently and stealthily, they marched on again in the same formation, this time without attracting much attention from the enemy. At daylight, however, the Mahratta horse was seen swarming in their track, accompanied by camels carrying small guns, which, together with rockets, they occasionally discharged. At 7 o'clock, the force on emerging from some intricate ravines, in very straggling order, perceived that the enemy had formed up in front and on either side of them. Almost before they could realise their position, the famed Mahratta cavalry was upon them. But in this terrible extremity the

themselves worthy of their training. Forgetting their long marches, the harassing disquietudes of the previous two months, they formed up steadily, reserved their fire till the enemy were within fifty yards, and then poured in a continuous file-firing. First on the right, then, in lesser numbers, on the front and left faces, did the daring horsemen of Jeswunt Rao make charge after charge. In vain, however. They were as powerless against those brave sepoy, as were the chivalry of France against the solid squares of British infantry at Waterloo.

Finding all their attempts to break the square by means of cavalry ineffectual, the enemy commenced the more sure method of pouring in a steady fire from their matchlockmen and camel pieces. In this our troops suffered terribly. Colonel Monson, therefore, moved on, still in square, the enemy hovering about him, and keeping up a desultory fire. Our troops experienced great difficulty in crossing a nullah in their way, and having halted in the ravines beyond it, they again suffered terribly from the matchlock fire, which was poured on them from the high banks of the nullah. Many of their wounded fell during the day into the enemy's hands.

Under such circumstances to halt was certain destruction. Although night was fast coming on, it was, therefore, determined still to move forward. Exposed to a fire from the enemy in the rear, and from the Menahs who lined the high grounds on their left, they straggled into the Biana pass, one of the most difficult, from its narrowness and steep ravines, in the country. Here the semblance of discipline almost entirely ceased.\* Detachments, even individuals, separated from one another. It was impossible to keep any order. *Sauve qui peut* was all that remained for the boldest to dream of. One officer,† who had been overcome by sleep, awoke only to find himself alone. Nor was his a solitary exception. The force which four months before had marched through this very pass, full of the highest hopes, had become a disorganised rabble, without discipline or power of cohesion.

No further attempt was made to rally. The next day some stragglers found themselves at Futtehpoore Sikri, but even here there was no rest for them, the very town's people treating them as outcasts, and firing upon them. It only remained for them as best they could to push on to Agra. With the poor remnant of strength yet remaining to them this was attempted by all who

\* The one corps, however, that did keep some kind of formation to the very last, was the 1st battalion 14th Native Infantry, commanded by Colonel

possessed the power of motion, and that day and the following, the ingress of wretched, footsore, half-starved fugitives, dispirited in mind as much as battered in body, conveyed to the garrison of Agra some idea of the humiliation that is ever in store for the general who retreats before a barbarian enemy.\* Would the effect have been worse, would it have been half so bad, if Colonel Monson had attacked Holkar at Rampoor, and been destroyed?

It is easy to imagine the impression which these straggling messengers of defeat produced on the mind of General Lake. For his brilliant achievements in the campaign against Scindia, he had received the thanks of Parliament, and had been created on the 1st September, Baron Lake of Delhi and Laswarrie, and of Ashton Clinton, in the county of Buckingham. Although he did not receive intimation of these honours till after the siege of Bhurtpore, yet the consciousness of having deserved, the knowledge of the reputation he had acquired, constituted inducements, which, had his own inclinations been wanting,—a contingency of all others most unlikely,—would have impelled him to the same prompt action which formed the foundation of his fame.

Colonel Monson's misfortune had been, in no respect, owing to Lord Lake. That officer had, in the first place, advanced considerably beyond the limit which the Commander-in-chief had considered necessary or safe. Having, in the second place, moved on from Peeplah with the declared intention of attacking Holkar on the Chumbul,—an attack in which success would not have been at all improbable,—he had first hesitated, and then retreated, drawing the enemy after him. Thirdly, he had abandoned the pass of Mokundra,—the one place where he might have made a successful stand before his army had become disorganized;—and fourthly, after reaching Tonk Rampoor, he had first resolved to halt and defend it, but after five days' hesitation, had abandoned it in despair, telling his army to make the best of their way to Agra. For none of these vacillations, of these erratic movements, had the Commander-in-chief been responsible. None wondered at them more than he, and in his despatch to Marquess Wellesley, he had expressed his surprise that a man, 'brave as a lion' should have no judgment or reflection.'

But Colonel Monson was wanting in something besides judgment and reflection. He himself alleged that he decided to

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\* Our loss in officers during this retreat was 14 killed; three taken prisoners (of whom one was murdered and one died); one drowned; nine wounded. Total twenty-seven. The loss of the men was never accurately ascertained.

retreat, because he had no experience of, and no confidence in, the native soldiers.\* In this respect he again contrasts unfavourably with Lord Lake, who, by showing confidence in those native soldiers, made them accomplish seeming impossibilities. But if Colonel Monson possessed not sufficient confidence in his men to lead them on to an attack, they at least showed by their courage, their fortitude, their constancy, their wonderful endurance, during the retreat in which his incapacity involved them, some of the best qualities of disciplined soldiers. These 'military proletarians' fighting for an alien flag, and an alien people, for a nation differing from them in manners and professing a proselytising faith, displayed from the first to the last hour of that terrible trial, a fidelity to their engagements that has been never surpassed, a devotion to duty which might serve as an example to many Western armies. Though exposed to munificent offers from the emissaries of Holkar they remained true to their colours, and the scattered remains of that retreating army, though severed for a moment from the main force, hastened to rally under the walls of Agra.

But great as was the misfortune, and though it was in no way attributable to him, Lord Lake did not the less display a resolution to repair it with alacrity. He was not the man, indeed, to whine over disasters, however severe, after they had been accomplished. If his lieutenant had failed, it was for him to obliterate the effects of that lieutenant's error. Upon this principle he acted with the promptitude natural to him. He sent instructions to all the troops he could spare from the several stations under his command to concentrate at Agra, and he himself, hastily fitting out the force immediately about him, marched with it on the 3rd September, for that place.

Meanwhile, Jeswant Rao Holkar had not been idle. His pursuit of Colonel Monson's force had not, indeed, been conducted with all the vigour and energy that might have been expected from a man of his undaunted and enterprising character, for, even in defeat, the prestige gained at Coel, at Delhi, and at Laswarrie, was to a certain point a safeguard. In the novel position in which he found himself, Jeswant Rao, after one or two

\* In noticing this avowal on the part of Colonel Monson, and the consequences resulting from it, the Court of Directors issued an order that no purely native force should ever again be placed under the command of an officer of the Royal Army. This order was never deviated from until the period of the Affghanistan war, and then with results which were not very favourable. We have not space to refer here, as we could have wished, to the magnanimity shown by Marquess Wellesley towards Colonel Monson. It is paralleled by the generous conduct of Napoléon to Marmont after Salamanca.

vain attempts, had abstained from coming to too close quarters, even with a retreating and disorganised sepoy army, led by European officers. He pursued them incessantly, as we have seen, from the banks of the Chumbul to the Biana pass, and, even to Futtehpoore Sikri. Hence he advanced on the 16th September to Muttra, of which, as it had been evacuated by our troops on the 15th, he took possession, together with much grain and baggage that had been stored there. But though at the head of 60,000 horse and 15,000 infantry, he did not venture to move upon Agra, contenting himself with sending flying parties into the Doab, which were easily repulsed.

Such was the state of affairs when Lord Lake, at the head of the 8th, 27th, and 29th, regiments of dragoons, the flank companies 22nd regiment, the 76th regiment, with some artillery, reached Agra on the 27th of the month. He moved at once to Secundra, joined the native troops already arrived there, and, on the 1st October, marched in the direction of Muttra. On the 3rd he arrived close to this place. Holkar, however, had no wish to risk an action. His plans were conceived in a far abler spirit. He wished to delay as much as possible the advance of Lord Lake, by means of his numerous cavalry, whilst his infantry, hurrying on to Delhi, should endeavour to take that place and gain possession of the person of the emperor, by a *coup-de-main*. He had already despatched his infantry for that purpose, whilst with his cavalry he took up a position at the village of Aurung, four miles from Muttra.

Unsuspecting of this device on the part of Holkar, Lord Lake moved from Muttra early on the morning of the 7th to attack him at Aurung. Holkar, however, was true to his tactics. He at once evacuated his position without an action, and retreated more quickly than he could be pursued. On the 10th, a second attempt ended in a similar manner.\* On the following evening, Lord Lake received intelligence of the movement of the enemy's infantry upon Delhi. Early on the morning of the 12th, therefore,

\* The Mahratta tactics on these occasions are thus described by Major Thorn:—‘Our cavalry, formed in two lines, moved in columns of half regiments at regular intervals. In this order, we swept clear the whole plain where the enemy were encamped at full gallop; but would not succeed in our endeavours to charge them, for they scampered off in all directions, dispersing as usual. When we halted, they did the same, rallied and stood gazing at us; and when we turned our backs to return home, they dashed on, attacking our rear and flanks, firing long shots with their matchlocks, while those who were armed with spears and *tulwars*, flourished their weapons, making at the same time, a noise like jackals by way of bravado.’



he took the road to that place, the enemy giving way before him.

Meanwhile, in pursuance of his plan, Holkar's infantry and some cavalry appeared before Delhi on the 7th. The defences of that city were in a very dilapidated condition. The walls were shattered, the ramparts mostly fallen in, and the bastions in a state of decay. The garrison consisted of two regular native regiments, the 2nd battalion 4th, 2nd battalion 14th, native infantry, four companies of the 17th native infantry, and about 1,160 matchlockmen. The deficiency of the troops and the weak state of the defences were, however, more than compensated for by the fact that he who wielded the authority of the Governor General within those walls, was no other than Colonel David Ochterlony. Under this distinguished officer, as military commandant, was Lieutenant-Colonel William Burn.

It is impossible, and indeed unnecessary, to enter in this place into the history of the gallant defence of that important city. For seven days, the forces of Holkar, consisting of 10,000 infantry, 8,000 cavalry, 160 guns, commanded by Bapoojee Scindia, used all the means in their power to master the place. They hazarded several assaults, but in all they were repulsed. On the 14th, they made a grand attempt to escalade it at various points, but not in one single quarter did they make any impression. The vigilance of Colonel Ochterlony, and the gallant conduct of Colonel Burn and his native troops, completely baffled the besiegers. They retreated that night, leaving the scaling ladders standing.

On the 18th, Lord Lake arrived. He had pushed on with all practicable speed from Muttra, leaving on the route, unattacked and even unmasked, three or four strong places which defied his authority. In thus acting, he showed that disregard of rule, the correct application of which is the best test of a true general. He would neither be put off his main object of relieving Delhi, nor weaken the force by which that relief was to be effected. The intelligence of his rapid approach materially influenced the enemy in their retreat on the 14th. Anxious as he was to improve that occasion by an immediate pursuit of the baffled battalions of Jeswunt Rao, he was yet forced to a few days' inaction by that most urgent of all necessities,—the necessity of providing food for his troops. On the 25th, he was able to despatch a small force under Colonel Burn to relieve a Mr. Guthrie, who was besieged by the Sikhs at Saharunpore, and on the 30th, having meanwhile received intelligence that Holkar had crossed the Jumna at Paniput, and had poured with his whole force into the Doab, he started himself in pursuit at the head of three regiments of dragoons, three of native cavalry, a

troop of horse artillery, and Colonel Don's reserve brigade of infantry. The main body of infantry and two regiments of native cavalry he left at Delhi, under the command of Major-General Fraser, with instructions to observe the movements of the enemy in that quarter, and, under certain conditions, to attack him.

Meanwhile, Holkar, whose army had been reinforced by levies from Scindia's territory, and by the troops of the Raja of Bhurtpore, having crossed the Jumna, proceeded in the direction of Saharunpore, hoping to overtake and destroy the detachment which, under the command of the Lieutenant-Colonel Burn, had been sent to that place. His advanced parties came up with our sepoy on the afternoon of the 28th at Bagonrah, and succeeded in carrying off some camels. Alarmed at their increasing numbers, Colonel Burn moved off the same afternoon, and marching all night, reached Shamlie at sunrise, having been harassed all the way by the enemy. He intended thence to advance to Saharunpore, but whilst his men were taking some slight refreshment, Jeswunt Rao came up with his whole force, and took possession of the only road by which an advance was possible. Colonel Burn, therefore, had no resource but to stay where he was, to await the assistance he had asked from Lord Lake. He moved his men, therefore, on the 30th into a small mud fort, and in that, though with but a small stock of provisions, took his stand.

Here, for three days, he was attacked by the whole force of Holkar. At the end of that time the consumption of his provisions, and the impossibility of procuring fresh supplies, caused matters to look serious, and he was seriously debating the expediency of attempting to cut his way back to Delhi, when the retreat of the Mahrattas announced the approach of the Commander-in-chief.

It was true. On the 3rd, Lord Lake's army arrived, having marched eleven and a half hours the previous day, and at once Jeswunt Rao was in retreat. He retired through the Doab, pillaging the villages in his route. Lord Lake halted on the 4th, and resumed the pursuit on the 5th. He followed the enemy by forced marches to Meerut, where he left Colonel Burn and a detachment, thence through Haupper, Mallargurh, and Sheerpore to Allygunje, which village he found burning on his arrival.\* Here he learned that Jeswunt Rao was at Furruckabad, thirty-six miles ahead. He resolved on pursuit that very night with the cavalry. At 9 P. M., the troopers were mounting for the purpose, when he received intelligence of

a great victory gained over the main body of the enemy's infantry by General Fraser at Deeg, not far from the scene of his own triumph at Laswarrie. To the movements that brought about that action we must now revert.

General Fraser had been left at Delhi with a force consisting of the 76th regiment, the Company's European regiment, and six native battalions. Knowing that his infantry and heavy artillery had not accompanied Holkar in his raid into the Doab, General Fraser, in pursuance of instructions received from Lord Lake, left Delhi in search of them on the 6th, and sighted them at a distance of six miles, from the heights of Goverdon, on the 12th November. They had chosen a very strong position. Their left flank was resting on the fort of Deeg, bristling with cannon; their left and centre were covered by a morass; and their right by a village which they had carefully fortified. General Fraser's plan was soon made. He resolved to turn the morass, and penetrating between it and a large tank that lay behind it, either to destroy the enemy or drive them within the fort. Leaving two native battalions to protect the baggage, he moved with the remainder of his force along the face of the morass, and, passing the village on which the enemy's right rested, formed up his troops at right angles to their line. Having effected this movement without opposition, he directed the 76th to take the village. This they easily did, then charging down the declivity they attacked, and with the aid of the European and native regiments by whom they were supported, carried the first range of guns. Here, however, they were exposed to a tremendous fire from the second range, a shot from which took off the general's leg. The command then devolved upon Colonel Monson. He instantly ordered a fresh advance upon the guns, and, under his gallant direction, battery after battery was abandoned, and the enemy forced to take refuge under the guns of the fort.\* But, whilst engaged in this advance, the enemy's horse, making a *détour*, came upon the rear of our army, re-took the first range, and turned the guns against our men. But Captain Norford of the 76th, taking with him only twenty-eight men of that regiment, drove off this new enemy, though he lost his life in accomplishing the feat. There still remained a body of the enemy who had been posted at the lower end of the morass, watched by the native infantry under Captain Hammond. Upon these Colonel Monson now moved, and taking them in flank with some six-pounder guns, drove those who escaped that fire into the

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\* The fort of Deeg belonged to the Raja of Bhurtpore who was nominally a friend, but from the time of Monson's retreat or even earlier, he had

morass. Colonel Monson then encamped on the field of battle, advancing his pickets just beyond cannon shot of the fort, to watch the enemy's garrison.\*

This was the intelligence brought to Lord Lake at 9 o'clock on the evening of the 15th November, two days after the battle, just as he was starting to surprise Holkar at Furruckabad. Inspired by the news, which was at once communicated to them, the troopers moved on, eagerly desirous to emulate the deeds of their comrades. Marching all night, lighted up by the soft rays of the moon, the advanced guard of the force reached at daybreak the enemy's encampment. Holkar was entirely unsuspecting of their vicinity. He had been enjoying a *naulch* the night before,† when in the midst of it he too received intimation of the disaster at Deeg. Troubled in spirit he quitted the entertainment without communicating with his chiefs. Nor was he the more re-assured when the fire of artillery convinced him that the adversary he most dreaded in the world was upon him. Forgetting in a moment the fame he had acquired, the boasts he had indulged in, his visions of empire and dominion, taking counsel only from his own fears, he mounted his steed and followed by those horsemen who were ready, fled with all speed towards Mainpore, not drawing rein till he had placed eighteen miles of road and the river Kalini between himself and the battle field. It was just as well that he did flee. On reaching the Mahratta camp at daybreak, Lord Lake had found a grave-like quiescence, the very sentries asleep at their post. Instantly he brought up his horse artillery, and awoke the startled Mahrattas with the roar of his cannon. Then, as they rose up in their hurry and confusion, he dashed amongst them with his cavalry, sabring them in numbers. Those that had the opportunity fled, and for ten miles these were followed up with all the energy that success inspires.‡

The vigour of the pursuit which thus met its crowning fortune at Furruckabad, has never been surpassed in military

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\* The loss of the Anglo-Indian army in this action amounted to 5 officers killed, and 17 wounded; 621 men were killed and wounded. The loss of enemy was computed at nearly 2,000. General Fraser died a few days after the action from his wound. Amongst the 87 pieces of ordnance captured by Colonel Monson, were eleven 6 pounders, two 12 pounders, and one howitzer taken from Colonel Monson in his retreat.—*Thorn*.

† *Thorn*.

‡ Our loss amounted to 2 men killed, 20 wounded; that of the enemy was computed at 3,000. The desertions from Holkar after the action were very numerous.—*Thorn*.

history. The force which left Delhi on the 31st October, had, in the interval between that and the morning of the 17th November, marched 350 miles, rescuing in its course a beleaguered garrison from the clutches of the enemy. In the twenty-four hours immediately preceding the battle, it had marched upwards of seventy miles. It added not a little to the powers of endurance of both officers and men to see that every fatigue, every hardship, were cheerfully shared by their revered chief; to behold him ever prompt to lead them on, ever foremost in the battle or the charge, anxious only to get at the enemy, to bring him to close quarters. What could they not have done, in any part of the world, against any enemy in the world; those troops, under that leader?

Those who have followed the career of Lord Lake thus far, will have noticed how much an essential part of his military system it was to follow up a victory. A victory, in fact, he regarded as nothing without results. Although, therefore, he had driven Holkar with great loss from Furruckabad, he regarded him as not the less an enemy to be pursued and annihilated. He pushed on, therefore, rapidly in pursuit, and finding that he had made for the fort of Deeg, he moved in the direction of that place, and joined the infantry under Colonel Monson on the 28th November, encamped between Muttra and Deeg. Waiting some days for a siege train from Agra, the army, after moving to within sight of Deeg, took up, on the 13th, a position before that fortress, and opened fire on the following morning. On the 22nd, a practicable breach was effected in one of the outworks, at one of the angles of the city, and a storming party was detached to assault in the dark hours just preceding midnight.

This storming party consisted of three columns,\* under the command of the Lieutenant-Colonel Macrae. These reached the points of attack indicated a little before twelve o'clock, and at that hour made the assault. The night was extremely dark, and the enemy were taken by surprise. Their resistance, nevertheless, was of a very obstinate nature, as their guns had been laid to sweep the ground immediately in front of their defences. They could not, however, resist the determined valour of our troops, and though their artillerymen stood to be bayoneted at their guns, and their infantry, under cover of the

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\* The right column composed of four companies 1st Europeans, and five companies 1st battalion 12th native infantry, under Captain Kelly; the left, of four companies 1st Europeans, and five 1st battalion 12th native infantry, under Major Radcliffe; and the centre, of the flank companies 22nd, 76th, and 1st Europeans, and 1st battalion 8th native infantry, under Colonel Macrae.

darkness, even attempted to re-take them, it was in vain. By 9 o'clock in the morning, our troops were in possession of the outwork.\* This capture so dispirited the enemy that they abandoned the citadel and town on the following day, leaving all their guns behind them, and retiring to Bhurtpore. Our troops entered the citadel on Christmas morning, 1804.

But satisfactory as was the capture of this strong fortress, Lord Lake felt strongly that his work would be incomplete so long as its late master, Runjeet Singh, Raja of Bhurtpore, was enabled to bid defiance to us from, and to afford protection to the troops of the Holkar within the walls of his capital. Accordingly, after repairing the defences of Deeg, he moved on the 28th December to meet the 75th regiment, which was bringing up stores for the army. This done, he marched on the 1st, and on the 2nd took up his ground in front of Bhurtpore.

The fortress of Bhurtpore was strong, not only in its bastions and artillery, but in the numerous garrison, formed of the débris of the Mahratta infantry and of the hitherto unsubdued Jâts, by which it was defended. It stood in a plain covered with jungle, and abounding with several pieces of water. The town itself was eight miles in circumference, having thick mud walls, and a wide and deep ditch, capable of being rendered unfordable. In addition to the garrison within its walls, a considerable body of infantry had intrenched themselves outside and close to them, whilst the still numerous cavalry of Jeswunt Rao and his associate Ameer Khan moved about the neighbourhood, ready to take advantage of any favourable conjunction.

Lord Lake, on the contrary, though at the head of an infantry and cavalry tried in many a battle, was but ill supplied with the artillery requisite for the attack of such a place. He had not, at the opening of the siege, more than three or four mortars of a useful calibre, and eight or ten battering guns. When these, as was the case with some of them, became inefficient from excessive firing, he had none others to supply their place, but was compelled to use guns, captured from Holkar, hurriedly furnished with bouches at Muttra. Knowing this deficiency, he had been strongly in favour of repeating the course followed at Allygurh, but had allowed himself to be persuaded, against his better judgment, to try the effect of a siege. He accordingly, though labouring under the disadvantages we have noticed, opened his attack with his wonted energy on the 7th January, dislodged

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\* In this attack we lost 43 men killed, and 184 wounded. Among the former were two officers, and among the latter thirteen. One of these, Lieutenant Forrest, received upwards of twenty wounds, and was left for dead upon the field: however, he ultimately recovered. One hundred guns were taken. — *Thorn.*

with great slaughter the infantry intrenched beneath the walls, effected a breach on the 9th, and ordered a storming party for the same evening. This party\* headed by Colonel Maitland moved out of camp at 8 o'clock in the evening, its advance being covered by a tremendous fire from the trenches. But the ground was so broken and swampy that it was found impossible to keep much order, and the party arrived at the ditch in some disarray. Twenty-three men of the 22nd, who were the first to arrive there, waded through it breast high, and even mounted the breach; but being unsupported they could effect nothing. The delay in bringing up supports was fatal. Losing two officers, and the third having left to bring up reinforcements, the few men of the 22nd fell back, and before the assault could be renewed, the enemy had concentrated a tremendous fire upon the approaches to it. The progress of the right and left columns to support the centre, was also checked by defences which had not been foreseen. At length the centre column, having, after much difficulty found its way across the ditch, dashed at the breach led on by Colonel Maitland. But all the efforts of that gallant officer were vain. When near the summit of the breach he was shot dead. Other officers followed him, but to no purpose. The slaughter amongst them was terrible. At last, baffled but not humiliated, they were forced to retreat to the trenches, exposed, as they retired, to a tremendous fire from the enemy.†

Undaunted by this failure, which he justly attributed to the accident of the second column losing its way, Lord Lake at once re-commenced his fire on the place, and, on the 21st, had succeeded in effecting another breach a little to the right of the former one. This time it was determined to attempt the assault in the day time, and having accurately ascertained the length and breadth of the ditch opposite the breach, little doubt was felt as to the result. At 3 o'clock in the afternoon the storming party,‡ having been supplied with portable bridges§ for sur-

\* It consisted of three columns; the left composed of 150 of the 1st Europeans, and a battalion of sepoys, under Lieutenant-Colonel Ryan; the right, of two companies of the 75th, and a battalion of sepoys, under Major Hawkes; and the centre, of the flank companies of the 22nd, 75th, 76th, and 1st Europeans, and a battalion of sepoys under Colonel Maitland — *Thorn*.

† In this attempt we lost five officers and eighty five men killed; twenty-four officers and three hundred and seventy-one wounded.

‡ Consisting of 150 men of the 76th; 120 of the 75th; 50 of the 22nd, supported by the remainder of those regiments, and the 2nd battalions of the 9th 15th, and 22nd native infantry, the whole commanded by Colonel Macrae. — *Thorn*

§ These were three broad ladders covered with laths, and easily raised and by levers at the bank of the ditch. — *Thorn*.

mounting the ditch, advanced to the assault. On reaching the ditch, which had been described the previous day as neither very broad nor deep in that particular part, it was found that the enemy had dammed it up below, and so that the water had accumulated to such a degree as to make even the ladders useless. Some of the men, however, headed by Lieutenant Morris, swam across and clambered up the breach. But the enemy had taken the precaution to withdraw the guns behind the parapet pointing them at the breach, and these opened a tremendous fire on the daring leaders of the assault. Seeing them thus exposed to certain death if they remained, and being unable to convey to them any aid, Colonel Macrae wisely sounded the recall, and hastened back to the trenches, not, however, without the very considerable loss of eighteen officers, and five hundred and seventy-three men, killed and wounded.

The failure of this second attack only rendered the Commander-in-chief more resolute to persevere. In the spirit which animated the Roman senate when they thanked Terentius Varro after the loss of the battle of Caunæ, he issued to his troops a general order, acknowledging the gallantry and steadiness they had displayed in the attack, and expressing a confident hope that in a very few days the obstacles which had till then rendered all attempts fruitless would be surmounted. This order produced the very best effect,—an effect which was heightened by the repulse and subsequent pursuit of Ameer Khan after an attempt to intercept one of our convoys. That chieftain was himself intercepted, just as his attack on the convoy had failed, by Colonel Need and the 27th dragoons, and in his bitter extremity only saved his life by stripping himself of his gaudy apparel, and fleeing with his own troopers. A second attempt made in greater force, three days later, upon another detachment coming from Agra, was frustrated by the Commander-in-chief in person, number of the enemy's infantry being cut up on the occasion.

From this date there was a lull in the siege operations, reinforcements being expected from Bombay. The interval, however, was employed in the preparation of fascines, pontoons, and rafts. On the 10th February, the reinforcements arrived.\* Measures were at once taken more in unison with the scientific character of siege operations, and regular approaches were made, bringing

\* Under Major-General Jones, consisting of the 86th regiment, eight companies 65th regiment, four battalions of sepoys, and 500 irregular horse. — *Thorn*.



our batteries much nearer to the walls of the city. These having been carried to the brink of the ditch, and a mine having been laid for the purpose of blowing up the counterscarp, it was determined to give the assault at 4 o'clock on the afternoon of the 20th February. This time the storming party\* was entrusted to Lieutenant-Colonel Don, a very gallant officer, who had particularly distinguished himself at the capture of Rampoor, in command of the rear guard during Monson's retreat, and during the pursuit of Holkar in the Doab. The night before the assault was ordered, the enemy made a sally which was for a time successful, and was only repulsed with loss. The sally was repeated in the morning, but the besieged were driven in, though not until they had cut up several of our men. The storming party then, at 3 P. M., started on its perilous errand, preceded by fifty men carrying fascines which were to be thrown into the ditch.

Again, however, a fatality attended the attack. Whether they were disheartened by previous failures, or were dispirited by the sight of the bodies of their comrades killed in the sally of the morning, or feared that the approach was mined, it is certain that the men composing the storming party stood hesitating at the exit of the approach unwilling to go on. In vain did Colonel Don entreat and exhort, they would not move. That officer, then, turning from the Europeans in front, called upon the men in rear to advance through them. Instantly there came forward a few men constituting the remnant of the detail of the 22nd foot, and the 12th native infantry, supported by two guns. One sepoy at once ran at the breach; but it was impassable; the regiment then attempted a bastion on the right which many of them succeeded in climbing, and on the top of which the colours of the 12th native infantry were planted. Just at this moment the enemy sprung their mine, without injury to our troops, and had the Europeans then taken advantage of the confusion, the place would assuredly have been stormed. But no exertion of the officers could rouse the men to action, and though fourteen of the former dashed to the front to encourage them, they were not followed, and Colonel Don had no resource but to draw off his men. Captain Grant's column succeeded in

\* Consisting of one column composed of 200 of the 86th regiment, and the 1st battalion, 8th native infantry, under Captain Grant; of a second of 300 of the 65th regiment, and two battalions of Bombay sepoys, under Colonel Taylor, the centre column of details from the 75th and 76th regiments and 2nd Europeans, and three battalions of sepoys.

capturing and carrying off eleven guns, but owing to the failure of the centre column their success could not be followed up.\*

Attributing this repulse to exceptional causes, Lord Lake resolved to renew the attack on the following day, prefacing it by a very heavy fire. In selecting the storming party, he thought it right, however, to address himself to the Europeans whose backwardness on the preceding day had led to the disaster. He spoke to them, however, in terms savouring more of regret than of anger, at the same time offering as many of them as should be willing, an opportunity of retrieving their laurels by volunteering. They at once came forward to a man, and Lieutenant Templeton, of the 76th regiment, offered to lead the forlorn hope.

At 3 o'clock in the afternoon therefore, the storming party,† under the leadership of Brigadier Monson, moved on to the assault. Again was the bastion selected as the point of attack, again were the British colours planted on its summit, though the action was fatal to Lieutenant Templeton who bore them. But few, however, could climb that rugged surface, the approaches to which, moreover, were commanded by a tremendous cross fire. In vain was every opening tried, were every means resorted to, to effect an entrance, for, after two hours' fruitless but heroic efforts, Brigadier Monson was compelled to give the order to retire.‡

These four assaults had thus cost our army 103 officers and 3,100 men in killed and wounded, and at the conclusion of the last failure, Lord Lake was in a worse position than when he commenced the siege. Not, indeed, that he had lost one iota of his indomitable resolution, but his siege guns had become useless, his supply of ammunition had diminished, and whilst the confidence of the enemy had increased, that of his own men had been considerably shaken. He determined, therefore, to convert the siege into a blockade.

Those critics who judge by results have been very free in casting upon Lord Lake the entire blame of the enormous loss of life which occurred at the siege of Bhurtpore. We are willing to admit that the system of Lord Lake's warfare was adapted for anything rather than the slow process of a siege. And it is, we think, under those circumstances, to be regretted, that he did

\* Our loss in this attack amounted to three officers, and one hundred and sixty-two men killed: and twenty-five officers and 732 wounded.—*Thorn.*

† It consisted of the 1st Europeans, two battalions Bengal native infantry, the greater part of the 65th and 86th regiments, the grenadier battalion, and the flank companies of the 3rd Bengal native infantry.—*Thorn.*

‡ We lost on this occasion six officers and 125 men killed; twenty-eight officers and 862 wounded.

not obey the prompting of his own inclinations, and attempt to follow the capture of Deeg by a *coup-de-main* on Bhurtpore. Such an attack, in the panic-stricken state of the enemy, would have, in all probability, been successful. It was the confidence gained by the besiegers from our first abortive efforts, that contributed to the success of their defence. Once, however, having decided upon a siege, the Commander-in-chief fell naturally into the hands of his engineers. It was for them to conduct those operations which form the preliminary to the final attack of the infantry on a place. Now nothing is clearer than that up to the time of the last assault, the engineers were utterly ignorant of the defences of Bhurtpore, or of the peculiarities of the ground immediately under its walls. To their incapacity in this respect Lord Lake frequently refers in his dispatches, and there can be little doubt that, no engineer himself, and depending much on his communications with officers of that service for his decisions, he felt, and felt deeply, that he had been led more than once to hazard the lives of his soldiers on impossible enterprizes.

Inapplicable then to his case is that criticism which would transfer to Lord Lake the entire blame of these failures. It may be a question, indeed, whether with the inadequate means at his disposal he was justified in undertaking the siege of such a place. But here again experience was in favour of prompt action. Allypore and Deeg had fallen without difficulty, and Bhurtpore had not, at the moment he sat down before it, any extraordinary means of defence. But for the accident occurring at the first assault, it would assuredly have fallen. But, even as it was, he did not fail in the main result he proposed to himself. It is true he did not take Bhurtpore by assault, but he compelled its Raja to humble himself before the British power, to recede from the alliance with Holkar, to indemnify the Company for their expenses. Though he was repulsed, his policy was not the less successful. Those terrible assaults, though they resulted immediately in the retreat of our storming parties, led with no less certainty to the accomplishment of the object of the campaign. Had Lord Lake, on the other hand, hesitated to attack Bhurtpore, he would have been unable, having that strong position within thirty miles of our frontier, to venture far in pursuit of the indefatigable Holkar.

We cannot, then, altogether sympathize with these critics after the event. In the siege of Bhurtpore, fortune was against Lord Lake, and he failed. But at the commencement of it nine chances out of ten were in his favour, and his failure is more fairly attributable to the accident which caused the first repulse, than to any defect in his own arrangements. But though the fickle

goddess for the moment abandoned him, he possessed, as we shall see, the iron will to force her to become again, as she had been before, his submissive and willing votary.

It will be recollected that after the second failure at the assault, Ameer Khan, a famous partisan Rohilla, had attempted to cut over our convoys, but had been signally repulsed. He had then left Bhurtpore, and made an incursion into Rohilkund. Thither, however, he had been followed by a portion of our cavalry under General Smith, who reached Moradabad just in time to save it from the clutches of Ameer Khan. That chieftain then attempted to return, but on his way was attacked and defeated at Afzulgurh on the 2nd March. He, however, contrived to escape with a few followers, and rejoined Holkar at Bhurtpore on the 23rd, having in the interim received some accessions to his party. His arrival so increased the forces at the disposal of Jeswunt Rao, that Lord Lake considered the moment opportune for endeavouring to bring the enemy to action in the open plain, or at all events to drive them from the vicinity of Bhurtpore. At 2 o'clock in the morning of the 29th March therefore, taking with him the whole of his cavalry, and sending Colonel Don with some infantry to attack his right, Lord Lake moved upon the position occupied by the allies. But though he came in sight of it at daybreak, the enemy had had notice of his approach, for he found them in readiness to run away. They moved off at once, and though pursued for several miles, they lost only two hundred men and some cattle. On the 1st April, the attempt was renewed with more success, our troops coming upon the enemy before they had time to mount their horses, sabring numbers of them, and pursuing the remainder for fifty miles. This successful affair completed the discomfiture of Jeswunt Rao. But before this occurred, the Raja of Bhurtpore had opened out negotiations for peace. Weary of his allies, disliking the enormous expenses imposed upon him, and, above all, having a just dread of the pertinacity of the English general, he had taken advantage of the intimation he had received of the elevation of Lord Lake to the peerage to offer him his congratulations, accompanying it by a profession of his desire for peace, and of his readiness to proceed in person to the English camp. This frank offer met with a corresponding return on the part of Lord Lake. Formal negotiations were opened on the 10th March, the conclusion of which was rather hastened by the defeat of Holkar, on the 1st April, and by the overthrow of the last remnant of his infantry by Captain Royal on the 7th April, at Ahmednuggur. On the 10th of that month, the army having meanwhile taken up a position

with a view to renew the siege, the conditions of a treaty were agreed to. The Raja bound himself to renounce his alliances with the Marhatta chieftains, to restore the territory which we had made over to him from that yielded to us by Scindia, and to pay a sum of twenty lakhs of rupees towards the expenses of the war. We should scarcely have demanded more, had the place been taken by assault.

Free now to follow up Holkar, who had thrown himself on the protection of Scindia, Lord Lake broke up from Bhurtpore on the 21st. The doubtful conduct of the latter chieftain made it more especially necessary that the movements of his army should have no uncertain character. He, accordingly, marched to Dholpore on the Chumbul, threatening the territories of both Mahratta rulers. Alarmed at this, Scindia, detaining Mr. Jenkins, the English resident, precipitately retreated in conjunction with Jeswunt Rao in the direction of Kotah. This conduct on the part of Scindia led to negotiations being entered into with the Supreme Government, pending the issue of which Lord Lake, with the bulk of his force, returned to Agra for the rainy season, keeping it, however, in a state ready to move at a moment's warning.

Whilst the negotiations we have referred to were still going on, and the army was in daily expectation of a declaration of a war against Scindia, the great ruler who had so long and so successfully directed the fortunes of his countrymen in India, and who, if Clive deserves to be styled the first, is as surely entitled to the designation of the second founder of the Anglo-Indian empire,—the illustrious Marquess Wellesley,—ceased to govern. His successor, the Marquess Cornwallis, had arrived with peaceful instructions, and with a pre-conceived determination to undo as far as possible the policy of his predecessor. He resolved, therefore, not only to overlook the conduct of Scindia as evinced in his detention of the resident, but to restore to him the fortress of Gwalior, and the province of Gohud, which had been taken from him in the last war. With reference to Holkar, the Governor General announced his intention to restore to him all the possessions which he had held at the commencement of the war.

It can easily be believed that such resolutions would be regarded by Lord Lake as extremely detrimental to British interests,—even fraught with danger to the security of our possessions. To throw away the advantages which we had gained with so much glory, and at the cost of so many lives,—to re-place in their former position men who had shown themselves the determined and formidable enemies of the British, appeared to him to indicate a feebleness little short of insanity. He, accordingly,

took upon himself to detain the letter containing the offers alluded to, until he could receive a reply to a remonstrance he at once addressed on the subject to the Governor General.

But before Lord Cornwallis received that remonstrance, the stroke of death was upon him. On the 5th October he died, and the Government devolved *ad interim* upon the senior member of Council, Sir George Barlow.

- It has been well observed\* that the sole object by which this gentleman appeared to be animated in his administration, 'was to get quit of present difficulties at any cost, even at the sacrifice of the national power and credit. This was cutting, not disentangling the Gordian knot, and evinced little prudence or judgment in the operators.' Sir G. Barlow not only confirmed the arrangements entered into by Lord Cornwallis, even adding a pension to Scindia of four lakhs annually, but, agreeing on his part not to enter into separate treaties with any of the independent chiefs, styled by Scindia his tributaries, in Meywar or Malwa, he went so far as deliberately to sacrifice to the vengeance of the Mahratta chieftains, the Rajas of Boondee and Jyepore, whose stedfast alliance throughout the war, more especially at the time of Monson's retreat, had been of incalculable service to us. The earnest and repeated remonstrances of Lord Lake on this point, he treated with utter disregard. It is scarcely to be wondered at, that it should have become necessary before many years, to pour out blood and treasure again to reduce these puffed up chieftains to the position in which Lord Lake had brought, but was not allowed to keep, them, nor that the task should have devolved upon another Governor General, the most brilliant successor of Marquess Wellesley, to place the most powerful of them in a position in which it should become his interest to support the predominance of the British power in India.

Meanwhile, Lord Lake, disgusted at the too self-denying policy of the acting Governor General, was not the less determined to perform the part of Commander-in-chief so long as the war continued. By a threatening letter to Scindia he procured, in July, the release of the British resident, and as soon as the season permitted, having learned that Holkar had eluded all the columns sent to intercept him, and was moving on the Panjab at the head of a numerous rabble and sixty guns, he set out in pursuit. Marching to Delhi, thence, *via* Paniput and Pattealah, he arrived on the 2nd December at Loodhiana, the first British general, and leading

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\* Professor H. H. Wilson.

† We need scarcely say that we allude to Lord Ellenborough.

the first British army, that had ever beheld the waters of the Sutlej. They crossed this river on the 5th, and marching through the country without meeting any opposition from the people,—the supplies being carefully paid for,—reached, after passing through Jullunder, the banks of the Beas on the 9th. Here intelligence was received that Jeswunt Rāo was at Umritsur, in very great straits, the chiefs of the Sikh nation, alarmed by the prompt pursuit of Lord Lake, having resolved to withhold from him all material aid. Thus abandoned, Jeswunt Rāo, hopeless of aught but his life, threw himself on the mercy of the conqueror, admitting that his whole country lay upon his saddle's bow. To his surprise, this chieftain, who had waged war with us with an unrivalled animosity, who had murdered in cold blood the Englishmen in his employ, because they refused to fight against their countrymen, who had treated the prisoners he had taken with unparalleled atrocity, found himself, according to the instructions of the Supreme Government, 'reinstated in dominions to which he never had any right, and which, even if he had, he deserved to have forfeited.\*

This treaty being concluded, Lord Lake after reviewing his army for the benefit of the Sikh chieftains, began, on the 9th January, to return to our own provinces. He had previously transmitted a proposal to make the Sutlej the boundary of British India, but such a plan was not at all consonant to the ideas then prevailing in high places.† He accordingly moved on leisurely to Delhi, where he halted for two months to make the necessary arrangements for the occupation of the country. He then proceeded to Cawnpore, thence at the end of the year to Calcutta, and there, in February, 1807, amid addresses from all classes, from natives and from Europeans, from soldiers and from civilians, he embarked for Europe. Never before had such a general ovation been given to any public man on his departure from the country, and never has that ovation been repeated. It was as true and genuine from all classes, as was the testimonial offered, in 1844, to Lord Ellenborough by the army alone.

Had he deserved it? Was he, in sober truth, the great general his soldiers believed him? Did he, in reality, possess those great military qualities for which the enemies he defeated gave him credit? We, at least, do not doubt it. We believe that he had completely mastered, before he had fired a shot in this country, the one principle which in India, at all events, makes victory to an English army a matter of certainty. That principle is never to fear

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\* Major Thorn.

† It was nevertheless carried out four years later, under the administration of Lord Dalhousie.

moving forward, never to care for strong positions or numerical superiority, but to dash onwards to the attack. This is the rule that has been adopted, and adopted successfully, by all our great Indian commanders. It was the rule of Robert Clive and of John Adams; of Forde and of Coote; of Goddard; of Wellesley; of Hastings; of Napier and of Gough; of Havelock; of Rose; and of Nicholson. It was because we had men possessing the spirit and sagacity to carry out this rule, who did not wait to count the numbers or to reconnoitre too closely the position of the enemy, that we won India. 'Show me where the enemy are,' said the greatest of Russian generals, Suwaroff, 'and I will attack them; I want no reconnoitring.' Suwaroff drove the French out of Italy. It is not, it is true, every man who is capable of attacking. To attack with effect requires the possession of a cool head, a brain that becomes more energetic, more compressed, under the influence of fire, a resolute and imperturbable nature. Success in attack depends mainly on the capacity of being able to see as clearly amid the whistling of bullets as when sitting at a chess-board. It requires a man to possess the faculties attributed by Napoléon to Masséna, of whom he said that he was dull in conversation, but that when under fire his mental energy re-doubled and his thoughts were then clear and forcible. It was because Lord Lake possessed this faculty to an eminent degree, accompanying it by unlimited confidence in his men and the power of winning their affections, that he was right to attack under all circumstances, and that he always was successful when attacking in the field.

But he possessed in addition another great quality, scarcely if at all less important for a general. It was a quality he possessed in common with Napoléon, and may, therefore, be described in the same language. 'The battle of Napoléon,' writes Sir William Napier, 'was the swell and dash of a mighty wave, before which the barrier yielded, and the roaring flood poured onwards covering all things.' That too was the battle of Lord Lake. He was never content with merely beating an enemy in the field; with the possession of the field of battle; he was not satisfied till he had utterly annihilated and destroyed him. Thus, in the war with Scindia, he was not content even with the capture of two fortresses and one imperial city; he hastened from them in pursuit of the broken remnants of the enemy, and was only satisfied when he had annihilated their last disciplined battalion at Laswarrie. Again, in the contest with Holkar, he pursued that chieftain from Muttra to Delhi; from Delhi to Furruckabad; then, surprising him and beating him there, drove him to take refuge under the walls of Bhurtpore; assailing that city, and



though repulsed four times, yet gaining it over from Holkar at the last, he followed him through regions untrodden by a British army; crossed the Sutlej in such array, as to prevent the fugitive chieftain from finding new alliances among a warlike people; and finally forced him to surrender himself and the 'kingdom on his saddle's bow,' at Umritsur. Who will deny that in this instance 'the roaring flood poured onwards, covering all things?'

There is yet a third point of view in which the arrangements of Lord Lake as a general, were admirable, worthy even of imitation in the present day. We allude to the facility which he so happily exercised of moving his troops and their baggage. 'The march of our army,' writes Major Thorn, 'had the appearance of a moving town or citadel in the form of an oblong square, whose sides were defended by ramparts of glittering swords and bayonets. On the one side moved the line of infantry, on the opposite that of the cavalry, parallel to, and preserving its encamping distance as near as possible from the infantry, and keeping the head of the column in a line with the former. The front face was protected by the advance guard, composed of all the pickets coming on duty, and the rear by all the pickets returning from duty, and then forming the rear guard. The parks and columns of artillery moved inside the square, always keeping the high road, and next to the infantry, which moved at a short distance from it. The remainder of the space within the square, was occupied by the baggage, cattle, and followers of the camp. Notwithstanding the immense magnitude of this moving mass, and the multifarious elements of which it consisted, nothing could exceed the regularity observed by the troops in maintaining their respective distances, and adhering closely to the order of formation on the march.' This was the case in an ordinary march against an enemy, but we find from the same authority, how advantage was always taken of local circumstances to alter it. Thus, in advancing from Muttra, in face of the entire cavalry of Holkar,—the cavalry led, followed by the infantry; between them and the river Jumna, the course of which was followed, were placed the baggage and camp followers,—a mode of advance, which effectually prevented depredations, and gave free scope to the action of the army. To enable him to make those unsurpassed marches, the rapidity of which contributed as much as any other cause to the defeat of the enemy, it was the practice of Lord Lake to serve out gratuitously to each fighting man and public follower, six pounds of flour. This quantity lasted six days, and being carried by the men, reduced the carriage. The diminution in that respect more than defrayed its cost.

In other respects Lord Lake fulfilled all the requirements of a great general. A strict disciplinarian, he carefully consulted the comforts of the soldier. Their toils, their privations, their fatigues, their exposure, he shared with them. It needed only that an officer or soldier should shew himself zealous and active to ensure notice from the Commander-in-chief. He knew no distinction of service. That man was rewarded, who best knew, and who best did, his duty. No man ever possessed a greater power of attaching others to himself. In private life, he was equally to be esteemed. Generous, unselfish, and open-hearted, he was a favourite everywhere. If his temper was quick, he never hoarded up an enmity. His anger often cooled down before the cause of it had been removed. No man had a larger or more attached circle of friends.

He left India, as we have stated, in February, 1807, and reached England in the following September. He received the most flattering welcome from his countrymen, and, on the 31st October following, was created by his sovereign a viscount, and was appointed governor of Plymouth. He did not, however, live long to enjoy these dignities and honours. In the month of February following, he was attacked by an illness, which on the 21st terminated fatally. He died, as he had lived, in the performance of his duty.

With no more appropriate sentence could we conclude our necessarily imperfect outline of the life of this famous warrior. It forms alike an epitome of his career, and a justification to us for having undertaken it. It is possible that to some this long record of battles fought and won; of sieges undertaken; of pursuits followed up; of advances and pursuits; coloured only by details of slaughter, and an account of the sufferings of the wounded, may appear tedious and purposeless. But we do not hesitate to avow that to our minds there are few stories more instructive, none more interesting, than that of the career of a noble and successful soldier, fighting the battles of his country. There is something inspiring even in the idea of men giving themselves up to a career of this nature,—a career in which everything is to be risked, and little that is material to be gained,—a career promising great toil, exposure of the most trying kind, and an ever recurring chance of loss of life or limb. There must at least be much that is unselfish in the yearning that prompts a young man to undergo all this labour for so little profit. For, the real soldier, be it always remembered, fights not that he himself may gain, but that his country may benefit by his exertions. To that country he gives the best years of his life, his best energies of body and mind.

often too those prospects of a peaceful life which will not always be banished even from his imagination. He gives all these, careless of the consequences, not only careless of, but rejoicing in, the fatigues, difficulties, and dangers he may encounter; doubly happy if fortune will but give him the chance that may connect his name with the scene of the triumph of his country's arms. To the general reader, indeed, the contemplation of the career of a great soldier, such as Lord Lake was, presents a lesson of a character more practical and instructive. Does not the story of his constant advances, his eagerness to close with the enemy, his grappling with him till he had overcome him,—does not that indicate a state of things which comes within the life-experience of most men? Do we not realise the fact that the military career of a soldier is but the type of the every-day life of an ordinary man? If the soldier is cowardly, indifferent, and careless, he will assuredly be beaten by his enemy, just in the same way as the man who is cowardly, indifferent, and careless in every-day life, is overcome by the temptations which are to him a formidable foe. When, on the other hand, we read of Lord Lake ever advancing, caring for no obstacle, riding at the long grass which he knew covered the guns behind them, do we not at once recognise the type of the man of every-day life, who, conscious of his own dignity, confident of the rectitude of his motives, advances in the path marked out to him, thrusting down every temptation, careless of the sneers of the world, scorning to compromise with evil, resisting the seductions which are disguised under some plausible title? Well would it be for men in general, if they would not disdain to take a lesson from this simple-minded warrior, if they would treat the sins that beset them as Lord Lake treated his enemies, taking no breath until they were utterly and for ever subdued. In that view of the question, the study of his life may not be quite valueless to all.

We cannot conclude without expressing the opinion we entertain of Major Thorn's contribution to the military history of that period. It must ever be the text book of the campaigns against Scindia and Holkar, more especially of that portion of them conducted by Lord Lake in person, throughout which the Major bore a part. We have followed his account in all important particulars, excepting, indeed, when he speaks of the numbers of the Mahrattas. On that question Major L. F. Smith, who was himself in the service of Dowlut Rao Scindia, is a far more safe and trustworthy authority. The exaggeration, however unintentional, of the number of troops brought into the field by a defeated enemy, is no compliment to the conquering army, for it induces as to the real merit of the victories achieved.

ART. II.—*Memorials of service in India. From the Correspondence of the late Major Samuel Charters Macpherson, C. B., Political Agent at Gwalior during the mutiny and formerly employed in the suppression of human sacrifices in Orissa.* Edited by his brother William Macpherson. London. John Murray. Albemarle Street.

THERE was a critical time during the late mutinies when the fate of the empire appeared to depend upon the part taken by two potentates of Central India,—Scindia of Gwalior, and the Nizam of the Deccan,—the one the head of the Malhratta, the other of the Mahomedan, people. Between the circumstances of these two states there was a striking similarity, inasmuch as each was managed by a youthful minister, who had learnt to understand and appreciate the English character and the English power. To the wisdom and firmness of Dinkur Rao, the minister of Scindia, and of Salar Jung, the minister of the Nizam, must be mainly attributed the safety of Southern India. Upon the fidelity of these two remarkable men no doubt was even thrown. Whatever fears may have been felt that their masters would not be able to resist the pressure put upon them to place themselves at the head of their nation, and by completing the overthrow of the English to gain for themselves the vacant empire, such temptations fell harmless on the enlightened minds of their ministers. Nor did the similarity between the circumstances of these two states end here. It happened that each had just received marked proofs of the friendly feelings of the British Government, and the assurance that there was no intention of applying to them that system of annexation which had spread such alarm through the native states of India. In the spring of 1857, Scindia paid a visit to Calcutta accompanied by the political agent, and besides witnessing the wonders of the railway, the steam engine, the telegraph, and the shipping, and other evidences of British resources, he was gratified by the attentions of the Governor General and by assurances from Lord Canning himself, that in case of his death without male issue, the Government would not be disposed to assert its right of succession by lapse, but would recognize an adopted son. In the Deccan the event was still more striking. In no state of India had the annexation of Oudh caused greater consternation.

than in that of the Nizam, for in none was there a stronger similarity of circumstances. The Nizam's life was known to be most precarious, and although there was an heir to the throne, the impression was almost universal, that his death would be the occasion for the British Government to do with the Deccan as it had done with Oudh.

So strong was this impression that when, in December, 1856, Mr. Bushby, the resident of Hyderabad, died, and a rumour was spread that Outram was to be his successor, Salar Jung was said to have remonstrated against an appointment which would have so greatly increased the apprehensions of the nobles already so seriously roused. Had this state of restless anxiety as to the policy of the British Government existed when the mutinies burst upon us, it would have been difficult, by any after-course the Government might have pursued, to re-assure men's minds as to what its intentions had been. But providentially the death of the Nizam called for a declaration of this policy to be followed, and the electric telegraph conveyed the instruction of the Governor General, that the son and heir of the deceased sovereign was to ascend the throne of his ancestors. While the British officers were assembled in the place of the Nizam to do honour to his installation, the post was bearing to Hyderabad the accounts of the massacres of Meerut and Delhi. To these providential circumstances it is mainly to be attributed, that in our hour of greatest need we had in Central India two allies personally favourably to the English cause. But these princes were themselves involved in difficulties of the greatest magnitude, and it was a happy circumstance that at this critical moment the office of political agent at Gwalior was held by one, whom previous service of no usual kind had thrown into intimate intercourse with the people of India, who had thus acquired a thorough knowledge of their feelings and mode of thought, who interested himself deeply in their welfare, and who by these qualifications and a kindly heart was calculated to win their confidence and affection.

Major Samuel Charters Macpherson is one of the long list of able and courageous statesmen, whose high qualities and personal influence effected the salvation of our Indian empire, but whose lives fell a sacrifice, not before their work was done, but before they either saw the full effects of their labours, or received their rewards.

Major Macpherson was born in 1806, second son of Dr. Hugh Macpherson, Professor of Greek in the University of Aberdeen. In consequence of delicate health in childhood, the years which he passed at school, were spent by him at home under

‘private tuition, but he eventually grew up tall and strong. He studied at King’s College, and afterwards at the College of Edinburgh. His classical training was carefully attended to, but his favourite studies were botany, chemistry, and geology. His mind made a great advance during the winter of 1822-3, when he studied moral philosophy at Edinburgh under the celebrated John Wilson, whose lectures or rather orations reverently listened to by day, were discussed in the evening with his tutor, the Rev. Dr. George Tulloch, who informs the editor of this memoir that upon these occasions he was catechised, puzzled, cross questioned, and debated with as he never had the pleasure of being questioned and worked by a pupil before or since. Dr. Tulloch adds he unconsciously showed great ability: his talents and capacity were far superior to those of his contemporaries: and I count it a great honour to have aided slightly in developing his reasoning powers, and his love of doing good for its own sake without the least alloy of vanity or self.’

From Edinburgh the young Macpherson passed to Trinity College, Cambridge. If his surviving tutor writes of him with honest pride while at Edinburgh, the testimony of a contemporary friend and companion at Cambridge is no less honorable. ‘He had a quiet dignity of appearance which was very striking. His intellectual powers were of a high order, but he was disabled from cultivating them in the manner prescribed by the university authorities, by the increasing delicacy of his eyes, which rendered him unfit for prolonged study. Had it not been for this, there was nothing which seemed beyond his grasp. The result was, that he formed a habit of independent and somewhat desultory reading, chiefly works upon scientific and abstract subjects, which added largely to the vast mass of miscellaneous information which he possessed. He was honest, upright, and true,—too honest, perhaps, and too plain for his interests. His vigour of character and firmness of purpose were remarkable. He was social and joyous, and at the college symposia he was the life and soul of the party; yet he had entire self-control, and never carried festivity to excess. Kind and wholly unselfish he commanded the esteem as well as the love of a small knot of attached friends by whom he was surrounded.’

From Cambridge after two years’ study, Macpherson returned to Edinburgh to prepare for the Scottish bar, and there pursued the studies of political economy and civil law, with such eagerness, that failing sight warned him that he must seek another profession, and at the age of nearly twenty-one he accepted a cadetship in the service of the East India Company, and

early in 1827, was on his voyage to assume the post of junior ensign of the Madras army. Seldom has such preparation been made for holding this honourable post, and we should think that the first introduction of Ensign Macpherson to his brother officers of the 8th regiment M. N. I. in the mess-room at Juluah, must have been in strange contrast to the usual scenes on those trying occasions, when the youthful griffin meets for the first time the associates of his after life. The ripe scholar of the university and the courts of law, who had almost reached his majority amid the bustle and competition of English life, must have been a strange contrast to the youthful griffin of sixteen whom the adjutant of the regiment or a kind-hearted commanding officer has generally the pleasure of introducing to his brother officers. We can imagine the contrast to have been as great as is that between the letters of the new ensign on his first march to join his corps, published in this memoir, and those which 'full of pluck and bad spelling,' usually gladdened the fire-sides which the departure of our young cadets had saddened, before competitive examinations had been invented. The letters of Macpherson are admirable, and bear witness to the thorough enjoyment which a first march in India is calculated to yield to one who, besides entering with zest into the field-sport of his companions, was competent to study with intelligence the physical formation and the political history of the country through which he passed. Macpherson's marches were long and frequent. After being a short time with his regiment, ill-health compelled a visit first to the sea coast, and afterwards to the newly discovered Neilgherry hills; and after re-joining his corps at Kaludgha a second visit to the hills became necessary, so that at the end of three years he was able to write: 'I assure you that as a matter of taste or of advantage, I could not have passed my three first years in India more agreeably or more profitably than I have done, having travelled nearly 4,000 miles with my eyes (such as they are) open, and nothing lacking saving an old friend, new books, and now and then a rupee.'

It may easily be supposed that the discharge of ordinary regimental duties, even though combined with literary and scientific pursuits, was not the career to which Macpherson looked forward. His hope was to obtain staff employment, and his resolution was, that if this was once obtained he would not see England till he had done such service as should ensure him against a return to the common routine of his profession. The summer of 1831 brought with it the grade of lieutenant, and also by the offices of friends and the assent of the Governor (who

'waived on this occasion the objections which he was alleged to entertain to the employment of Scotchmen in general, and of Macs in particular) a staff appointment as Assistant Surveyor General;—being nominated, as he wrote to his relations at home within a week of the time, when from his standing in the service it was first possible for him to be removed from regimental duty. The letters of this period bespeak the animation with which Lieutenant Macpherson entered on his new duties, and how in discharging them he was preparing himself for still higher responsibilities. 'You will observe on the map the fine extent of the Hyderabad country, over which I shall move quite unfettered and unquestioned. It approaches the western sea within a hundred, and the eastern within fifty, miles. It contains the two rivers of India next in importance to the Ganges (not including the Indus), and in its limits 500 miles in length, and 500 in breadth, presents as many and as varied objects of moral and physical interest, as are bounded by similar lines in any portion of Hindoostan. The six fine months in the year I shall pass in the country with the Survey Establishment in my tents, the remaining portion given to rain and heat I spend in Hyderabad with the best society, and the best library that Southern India affords.'

Again—'I have out with me the whole body of evidence taken on the renewal of the Charter for quiet digestion, and I daily reap knowledge in these village fields, which is not to be obtained from books, from the farmers, who give me in the gloamings the history of their leases and advantages and exactions; the story of their maize crop and sugar crop and tobacco crop; and true and anxious statements of their cattle, including those which died in the drought, and those which have since had calves, and those best for the plough, and those whose feet are too tender for stony ground—I obtain the most curious insight into the manners and condition of the men of this part of India.'

The absence of the head officer under whom Macpherson was placed, at once gave him the direction of the survey party to which he was attached, and his scientific knowledge now came into full use. In 1832, he was able to write, 'My immediate superior of the Upper Provinces writes as highly gratified with my geological works, which he enjoins our whole establishment to combine in enabling me to extend, says that I have now many claims upon his attention, and promises to have me removed to Bengal, to afford him my immediate aid in the execution of one grand and delicate work, the measurement of a base when it shall next be required



‘in the great survey.’ Advancement soon followed. One of the three Madras surveys becoming vacant, Macpherson was appointed to it, making him, as he himself wrote, ‘in his department (as in his regiment), very fortunate,’ as since he entered it, [he had only served *de facto* as a subordinate for a few months.

His new ground was in the Company’s country, in the Vellore district, and a fresh field of observation was thus opened to him. From the scene of his renewed labours he wrote,—‘no two tracts of country can exhibit a greater contrast in their superficial characters than this and the Hyderabad country. Here we have a vast littoral plain lying betwixt a long line of mountains and the sea; many rivers flow down from the hills forming in some cases deltas, in others giving rise to estuaries; they are vast torrents, and when these have subsided, broad sand beds with here and there a pool connected by barely living rills, here and there low granite crusts, spring up. There are huge forests of pallengra and cocoanut trees, and most villages are adorned by groves; but the whole is flat, stale and,—profitable only in rice fields, and in a fine breed of cattle which overspreads the land.’

Such is a brief outline of the various steps by which Lieutenant Macpherson approached the scene of those labours with which his name will be hereafter associated. With a cultivated mind, ‘a fluent Hindoostani scholar, and not ignorant of Persian,’ used to familiar and easy intercourse with the people of India of all ranks, deeply interested in their history and habits, and warmly desirous of their welfare; not without a yearning for distinction, but desiring that distinction among the benefactors of his race, Macpherson was brought into connexion with the hill tribes of Orissa, and face to face with that dark page in human history which it was to be his life’s task to blot out.

Macpherson was called away from his labours in the survey to join his regiment engaged in the military operations then carrying on against the rajah or zumindar of Goomsur. The rajah, easily driven from the lower portion of his dominions, had taken refuge among the highland clans of the Malliahs, or hill districts over whom he exercised a sort of feudal sovereignty, and where the laws of hospitality, the warlike habits of the tribes, and the climate deadly to all strangers, afforded him an almost impenetrable retreat. In the prolonged operations necessary to overcome these difficulties, Macpherson took a part, and his skill as a surveyor was called into exercise in aid of the movement of the troops, and the action of the authorities. The region into which the troops advanced

was entirely unexplored ; ' of the Khond people we knew nothing save the name. We were ignorant of the nature of the ' connexions which subsisted between them and Goomsur or ' the neighbouring zumindaries. We knew nothing of their ' social organization, of their feelings towards the late ' zumindar, or towards ourselves, of their numbers, their ' language, or their manners.' After a prolonged contest with the deadly climate, the object of the war was obtained, the zumindar died in his mountain retreat, the country was overrun by our troops, and the chiefs of the rebellious tribes were taken and executed. Peace was restored, and the ordinary civil authorities resumed their survey. The first act of Mr. Stevenson, the collector of Ganjam, was to ask Macpherson to undertake a mission of survey and inquiry into the unexplored country, with respect to which it was of the last consequence that correct information should be obtained,—saying that he thought him alone capable of this service.

The unhealthy season had set in, but Macpherson accepted the duty with feelings which he must himself describe. ' The ' day of my departure into that country was among the happiest ' of my life. I succeeded in my objects beyond expectation, but ' was struck down by fever and blindness, for I was worn out ' by the hard exertions of the three preceding months. But ' the idea that I had at length achieved some small amount of ' good, that I had made the first step towards the redemption ' of my time, and the first blessed step towards home, made ' suffering lighter than I had known in any pleasures. I thought ' I had accomplished what the Government in the common course ' of things could not overlook, and I expected such recognition ' of my hard, dangerous, and difficult service, as would lead to ' employment on which I might raise so much character as would ' bear me home ; for my view since I left England had been this :— ' that I had no right to return thither until I could say that ' I had done something, until I had done what would secure ' my employment out of the ranks of a regiment on my return. ' For the attainment of this object I did not hesitate to risk ' health, nor did I grudge it when it was gone.'

This appointment enabled Lieutenant Macpherson to complete his enquiries into the habits and customs of the mountain tribes, and especially of the Khonds, and to draw up a paper for the information of Government, giving a full account of those cruel rites, the existence of which had only lately come to light, by which on British territory hundreds of human victims were yearly slaughtered. The Meriah sacrifice in all its horrors was made known, and the extensive prevalence of the practice,

and the trade in human victims which it involved, were placed beyond a doubt.

A visit to the Cape of Good Hope now became necessary to restore a constitution tried by repeated attacks of illness, but on Lieutenant Macpherson's return, in 1841, he was appointed assistant to the agent at Ganjam, and entrusted with the duty of suppressing the Meriah sacrifice.

The memoir now before us relates the measures which were adopted by Macpherson, and the success with which they were attended, but has then to show how at the moment when the object of his labours appeared to be obtained, and the practices both of human sacrifice and of female infanticide about to receive their death blow, he was rewarded by removal from his office, and a long period of suspension and trial. Into this subject or the controversy which ensued as to the rival claims of those engaged in the suppression of these rites, it is unnecessary here to enter. The distinguished civilian employed in the investigation, reported most highly in favour of Macpherson and his colleagues, and the Court of Directors ratified the decision, and recorded the reclaiming of the Khonds from the barbarous rites to which they had been immemorially addicted, as effected by '*the admirable power of individual character*' in the person of Major Macpherson, and thus authoritatively assigned his place among the greatest benefactors of India, and the Governor General, in an obituary notice afterwards, proclaimed that the part which Major Macpherson took in the suppression of human sacrifices and infanticide among the Khonds, had gained for him a high place in the long list of distinguished officers who have adorned the Indian service, and entitle him to the lasting gratitude of the Government and the people of India. This struggle and this triumph so dearly won closed the first portion of Major Macpherson's Indian career. He had earned that return to Europe which broken health now rendered absolutely necessary, and the cheering words of Lord Dalhousie must have rendered this respite from labour doubly invigorating. 'The Governor General (who, had arrived in India during the investigation), as soon as the decision of his Government was pronounced, sent for Captain Macpherson, and after saying that he was sensible that nothing could ever compensate for the treatment which he had undergone, assured him on behalf of every member of the Government, that to mark their undiminished confidence in him, he should be appointed to a suitable office in the Political Department as soon as his health would enable him to accept it.'

In August, 1853, Major Macpherson returned to India, and Dalhousie, true to his word, appointed him Governor

General's agent at Benares, and afterwards to the political Agency at Bhopal. After a short residence at Bhopal, the higher office of political agent at the court of Scindia at Gwalior became vacant, and to this post Macpherson was appointed.

The office was peculiarly adapted to call out all Macpherson's qualifications. The youthful Scindia had lately by virtue of reaching his majority ascended the throne, and, as is usual with native princes, was balancing between good intentions and evil counsels. The minister Dinkar Rao was striving to reform a corrupt administration, and incurring the odium of those who had thriven on former abuses. To gain the confidence of the young sovereign, and to support with all the influence of his position the upright minister were to Macpherson thoroughly congenial duties. Without the labours of detail administration, the experience of long and varied services, and the influence of a matured character, were now brought to bear upon some of the finest provinces of Central India. The revenue system was thoroughly reformed, an efficient police was organized, the courts of justice purified, and the agent had the satisfaction of seeing the country prosperous, and the people contented. 'Cultivation and population everywhere increased. 'Wherever the agent went he found contentment, and distinct 'signs of increasing prosperity. The people asked for nothing 'but water for irrigation, and when they had learnt their 'value—for roads.' Three years of intimate intercourse, and the substantial benefits which had accrued, had won for the political agent the confidence and esteem of the prince and his minister, when the mutinies came to tax to the uttermost their loyalty to the Government which Major Macpherson represented.

It will be fresh in the memory of most of our readers, how faithfully Scindia adhered to his loyalty to the British at this momentous juncture. How all the influence of his name and position, as head of the Mahrattas, was used to secure the fidelity of the Gwalior contingent as long as possible, and how, when this force yielded to the contagion and followed the example of the Bengal army, and Scindia felt that he could no longer guarantee the safety of the political agent and his suite, he sent them with the remnant of the English who had survived the massacre in the lines under the escort of his own personal body-guard, to the nearest stronghold still in English possession,—the fort of Agra. It was at this moment when the charge which had been entrusted to him appeared to dissolve in his grasp, that the admirable judgment and forethought of Macpherson rendered his influence most valuable to the British cause.

When forced himself to leave, he urged Scindia to keep the contingent in play, and to prevent its at once swelling the numbers which already beset the beleaguered English. And it will be remembered how admirably Scindia followed the advice. How he cajoled, threatened, yielded, postponed, finessed with his rebellious troops, until the English had gathered strength, and then finally dismissed them to break themselves against the army of Sir Colin Campbell at Cawnpore. From the fort of Agra Macpherson was enabled by advice and encouragement to strengthen the hands of Scindia, so that one of the highest civilians, who shared his detention in that fortress, recorded that few could know how much was due to him in the saving of India.

With this eminent service the second and final portion of Macpherson's career drew towards its close. As soon as the support of an European force could be afforded, his post as political agent was resumed, and he was employed in restoring the authority of Scindia after the defeat of the rebellious troops by Sir Hugh Rose. But climate, the intense strain of the mutinies, and the subsequent anxieties and responsibilities, had done their work, and sad to say, that cordial, which the generous thanks of the country and Government he had served so well, would have proved at this moment, was not vouchsafed. Too long the sufferer clung to his post, till disease had advanced too far to be checked. The rest must be told in the words of the brother who has edited this memorial. 'At length, in the beginning of April, 1860, feeling worse and believing that change would do him good, he started for Calcutta intending to proceed immediately to Europe. The journey was long and fatiguing. On the way, he rapidly became worse from exhaustion, and the heat of the weather. His admirable friend, the Dewan, now Rajah Dinkur Rao, met him on his way, and thinking him very ill, offered to accompany him to Calcutta, but the proposal was declined, and he continued his journey while visions of Scotland, of streams and village greens, and children playing, floated before his eyes, and were a relief to him during the long and weary nights of his painful travel. He reached the house of his brother, Dr. Macpherson, at Calcutta, hopelessly ill, and there lingered for five days conscious of the approach of death, and evincing the kindness and consideration for others which always characterized him.' He expired on the 15th April, 1860.

The tributes of public approbation and private esteem were now numerous, and Major Macpherson's name appeared the list of those whose services were acknowledged by

the Sovereign with the order of Companion of the Bath, but the list only reached India after his death.

Such is a brief outline of this interesting memorial. It records the services of one of a class of well-educated, high principled Englishmen, who have given and are giving the best years of their lives and the whole energies of their minds, to the service of their country and the regeneration of India,—a class happily, so numerous that some circumstances of a peculiar character, or some opportunities not given to us, such as are related in this narrative, are necessary to distinction. We shall best describe the judgment we have ourselves formed of Major Macpherson by saying, that we are led from the perusal of this memoir to believe, that of all the tributes to his worth there recorded, he himself would have most valued, and would have set above all official praise, the tribute of a native of India,—his friend, the able minister Dinkur Rao,—to ‘*his abilities in transacting State affairs, his firm, decided, and upright character, and his good nature and kind heart.*’ To have exhibited these qualities, so that they are, as in this instance, not only appreciated by our Indian brethren, but copied in their lives, is the highest reward the Indian servant can propose to himself, being the highest proof that his service has not been in vain.

- ART. III.—1. *Tibet, Tartary, and Mongolia*, by H. Prinsep. London, Allan & Co., 1851.
2. *Du Developement des Idees Revolutionnaires En Russie*, par A. Herten. London, 1863.
3. *Russia*, by J. Kohl. 1855.
4. *The Russians at Home*, by Sutherland Edwards. Allan & Co., London, 1861.
5. *The Eastern Church*, by Dean Stanley. Murray, London, 1861.
6. *Memoire sur la partie Meridionale de l' Asie Centrale*, par Nicolas de Khanikoff. Paris, 1861.
7. *Essai sur la Situation Russe*, par N. Ogereff. Trubner & Co., London, 1862.
8. *Des Reformes En Russie*, par le Prince Pierre Dolgoronkow. Paris, 1862.
9. *Eastern Europe and Western Asia*, by H. Tilley. London, Longmans, 1864.
10. *The Russians in Central Asia*, translated from the Russian, by John and Robert Mitchell. 1865, London, Stanford.
11. *Russia, Central Asia and British India*, by a British Subject. Trubner, London, 1865.
12. *The Progress of Science, Art, and Literature in Russia*, by F. R. Grahame. London, Blackwood & Co., 1865.

WHEN in the year 1689 Job Charnock, the founder of Calcutta, smoked his pipe under the Boitakhana tree on the site of the City of Palaces, the future commercial capital of India, when he surveyed the dense tiger forest of Chowringhee and the Hooghly swarming with alligators, how little could he have anticipated the empire that would arise from that nucleus, or that the day would come when the English and Muscovites would be neighbours in North India. Probably indeed he never heard of Russia, which was then a *terra incognita*; its 'window in Europe,' St. Petersburg, was at that period a swamp. But about that very time Peter the Great was planning the foundation of St. Petersburg, built like Calcutta in a stagnant marsh in constant danger from inundations of the river. Both cities were erected at enormous sacrifice of life, and both served as the starting points for two mighty empires, the two rising empires of Asia—the one having its base in the frozen north of Europe, the other in a malarious delta, half the year a vapour bath. Both

empires are, after a century and a half of varied revolutions, almost conterminous in Central Asia, the 'trysting ground' of the Slave and Saxon, the former holding one-seventh of the globe in possession, the latter wielding the destinies of one-fifth of the human race; the one having a boundless extent of land, the other of mighty nationalities.

The Russian and English empires, though separated in Europe by a wide extent of continent and boisterous seas, are converging in the north of China, and will soon, we trust, come in contact, not collision, in the vicinity of the Himalayas. Steam and the telegraph are abridging time and space; *volens volens*, nations are being brought into close relationship, as the continent of Europe bears witness every day.

India itself is being influenced by this fraternising movement; the East India Company regarding India as their 'pet preserve,' tried hard at one time to exclude missionaries, interlopers and foreigners from its shores, but that system of isolation was impossible, and India now, in accordance with the free trade principle of the mother country, is thrown open to the world and to foreign influences of all kinds. In the Marquess of Wellesley's time the French were scouted as pariahs, they now come with their steam fleets and their commerce, they hold a strong political position in Egypt, and have annexed an empire in Cochin China, yet we regard them without jealousy, feeling there is room for all.

Portuguese, Dutch, Danes, and French, have acted their parts in the East, sometimes as allies, at other times as the enemies of England. Another foreign Power, the fifth in succession, now comes on the stage,—the Russian. Five and twenty years ago, the subject of Russian advance in Central Asia was the constant theme of the Anglo-Indian press, and the Afghan war was undertaken in order to drive the Russians back, but England found as the only result a debt of 20 millions sterling on her Indian finance, the loss of an army, and a damaged prestige whose effects were felt down to the mutiny, and are not yet forgotten. Ever since that disastrous period, the policy has been faithfully kept by the Indian Government of non-interference in the affairs of Central Asia, not moving beyond our impregnable line of defence—the Himalayas, while all obstacles up to that position have been removed by the annexation of Scinde and the Punjab.

England's power in colonizing New Zealand and Australia, in Japan and China, has been enormously increased, and while the Anglo-Saxon has been making a mighty extension of territory in South Asia, the wave of the great Slavonic race, of which Russia is the head, has been, by the same law of progress, moving on in



Central Asia, where the breaking up of the Chinese empire has benefited Russia equally with England, and the vast region of the Amur has fallen to the lot of the former,\* causing no political danger however, as the whole population, native and Russian, of a country larger than France, is 34,000!

The Sclav and the Saxon now meet in friendly intercourse in Pekin and the Chinese seas; the spirit of colonization, the influence of the iron horse, and the impulse of superior races alike actuate America, England, France, and Russia, to come into collision with the old barbarisms of the world, and pulverize those antiquated effete dynasties which had so long preyed on the masses of mankind. English steamers ply on the Volga, Englishmen are making railroads and manufacturing Russian guns, and now the two empires approaching, one on the banks of the Oxus, the other on the Indus, will soon become conterminous on the table lands of High or Central Asia. Let us take a glance at this country.

Central Asia stretching between the Altai and Himalayan mountains, forms part of the ancient Bactria or Ariana; though for ages depressed by Moslem misrule, and the inroads of the slave-holding Turkomans and Kirghis, the Mahrattas of those regions, it was one of distinguished interest in the annals of the past, the seat of empire and of high civilization for ages, the land that sent out a Genghis and a Timur to found a mighty Tartar Empire. Here was Balkh, 'the mother of cities,' the seat of the Parsees, whose ruins still extend over a circuit of 20 miles; here is Khokand which gave birth to Baber, the founder of the Mogul dynasty in India. Samarkand, now in the sere and yellow leaf, was long the head quarters of Islam lore. Those regions sent out those shepherd tribes who overran Europe and Asia, who founded the Ottoman, Mogul, and Mongolian empires, and who for two centuries occupied Russia. It was from the high lands of

\* Ravenstein's History of the Amur gives graphic details of the progress of Russian discovery in North-Eastern Asia; two centuries only have passed since Kossack explorers discovered the country. The Amur drains a basin of 776,000 square miles, and is navigable for 1,700 miles for vessels of eight feet draught. What the Mediterranean Sea is to French commerce, the Amur in connection with the Pacific Ocean is destined to be for Siberia, Eastern Russia, Japan, and America. England also will gain,—for goods sent from England seaward to the Amur, can compete on equal terms with the produce of European Russia at a point situated 1,100 miles to the west of Irkutsk. A telegraph is now nearly completed from Moscow to the Amur to be continued on by way of Kamskatka and Behring's Straits to North America. For further information from Russian sources, see *Le Fleuve Amour*, par C. Sabir, Paris; Kugelmann, 1861.

Central Asia that the ancestors of the Aryan race issued in swarms, some to Europe, others to India, and the remainder to China. The traces of the ancient union are to be recognised in the fact, that the Brahman of Benares, the priest of Moscow, and the Professor at Oxford use radically the same language, and now they are after long wanderings to renew their intercourse again in the regions bordering on the Hindu Kush.

Marco Polo, Goetz, Père Rubruquis, and Italian missionaries have given us some of the earliest accounts of Central Asia. The writings of Pallas, Klaproth, and the Chinese Jesuits also furnish much valuable information. Ritter, Burnes, Abbot, Lord, and various officers engaged in the Afghan campaign have left important data. The Russian Savans, connected with the Imperial Academy of St. Petersburg, have also thrown much light on the geology, natural history, climatology, ethnology of Central Asia. The results have been embodied by Humboldt in his valuable work on 'L'Asie Centrale,' which appeared in Paris in 1843. Since its publication, further active researches have been made, which have been recorded chiefly in French and German in the 'Transactions of the Imperial Academy of St. Petersburg.'

The most recent and important work on Central Asia appeared last year, *Mitchell's Russians in Central Asia*; the author has compiled it from recent Russian works inaccessible to English readers. It gives a sketch of the Russians gradually moving by means of Kossack detachments across the steppes to the banks of the Oxus, and there defending their position against the plundering Kirghis by lines of forts. Details are given of the surveys of the country, and the tribes of the steppes, their traditions and habits; of the desert of Gobi; of Kashgar, and its history; of the caravan routes; of the journeys of various Russian travellers, with an account of the trade carried on between Central Asia and Russia; appended is a very good map of Turkestan. H. Prinsep, so well known for his Oriental acquirements, has also published a valuable book;\* so has Monsieur Khanikoff.

The haze that hung over those regions for ages is clearing off; the convergence of the three great empires of Asia,—the Chinese, Anglo-Indian, and Russian towards High Asia,—is bringing into notice countries where a European has been treated like a wild beast, hitherto as inaccessible to a traveller as the interior of Africa; the Russian steam whistle is beginning to echo in deserts which hitherto were vocal only with the war whoop of the Turkoman marauder, and the desert shall yet rejoice and blossom as the rose.

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\* Tibet, Tartary, and Mongolia, by H. T. Prinsep. Allen & Co.

What is the state of those countries now. Ferrier, a French officer, who traversed these regions 15 years ago, thus writes : \*  
 ' An European who visited Khiva in 1819, has given us some  
 ' dreadful details regarding the treatment of the Russian and  
 ' Persian slaves he saw in this Khanat to the number of 30,000 ;  
 ' some of these who would not embrace Islamism were buried  
 ' alive, the Khivans declaring that they put them to death in  
 ' this horrid manner, because it was not fit that the earth should be  
 ' sullied with their impure and infidel blood. I believe there  
 ' has been no greater example of atrocity committed by any nation  
 ' than that which put an end to the life of the Russian General  
 ' Bekevitch, made prisoner by the Uzbecks in an expedition sent  
 ' against Khiva in 1717 ; he was flayed alive from the knees  
 ' upwards. The wretches thought a speedy death too good for their  
 ' victims, and always invented the most refined and lingering  
 ' tortures to accomplish their diabolical purpose, gratifying their  
 ' revenge by cutting off their ears, putting out their eyes, or  
 ' stabbing them with their knives in parts not mortal.'

Vambéry, in his travels in Bokhara, mentions : ' I saw 100  
 ' horsemen arrive from the camp covered with dust. Each of  
 ' them brought at least one person with him, and among the  
 ' number children and women also, bound either to the tails of  
 ' their horses or to the pommel of the saddle ; besides all which,  
 ' he had buckled behind him, in a large sack, the heads of his  
 ' enemies, the evidences of his heroic exploits. On coming up,  
 ' he handed over the prisoners as presents to the Khan or some  
 ' other great personage ; then lowered his sack, seized it by the  
 ' two lower corners, as if he were about to empty potatoes, and  
 ' then rolled the bearded or beardless heads before the accountant,  
 ' who kicked them together with his feet until a large heap was  
 ' made, consisting of several hundreds ; each hero had a receipt  
 ' given him for the number of heads delivered, and a few days  
 ' later came the day of payment.'

Vambéry, a Hungarian, and no friend to Russia, on reviewing the cruelty and fanaticism, the frequent wars, and the atrocious slave trade which prevails from Persia to Afghanistan, expresses his conviction that it would be for the interests of humanity that Russia should absorb Central Asia.

The soil is chiefly cultivated by slave labour, the produce of slave forays carried on by nomadic tribes under the control of the Uzbek authorities, at the expense of their more civilized neighbours. With the Turkomans, the sale of human beings is not a mere transaction but an exciting passion. Nor is it better in

Kashgar, where 'human beings are being daily slaughtered like 'barn fowls, the skulls of the natives being disposed in regular 'layers till they form towers.' Men have been put to death for merely yawning in the presence of the ruler. The celebrated traveller, Schlagentweit, had his head struck off, and placed on the apex of a pyramid formed of human skulls,—the Bokhara fashion. Mitchell\* gives the following picture of the state of the country :—

'Central Asia, in its present stage of social organization, 'presents a truly mournful spectacle; her present stage of development being, so to speak, a sort of pathological crisis, the 'whole country, without exaggeration, is nothing but one vast 'waste, intersected here and there by abundant aqueducts, canals, 'and wells. The desolate sandy plains, dotted occasionally with 'ruins, and overgrown with ugly prickly shrubs and tamarisks, 'is wandered over by herds of wild asses, and hardly less shy and 'timid saigaks. In the midst of this Sahara, along the banks of 'the rivers occur several small oases, shaded by the poplar, elm, 'and mulberry; while nothing intervenes to break the monotony 'of the scene, save here and there badly cultivated rice fields and 'plantations of cotton, diversified by occasional vineyards and 'orchards, abandoned by the large and unprovident population 'to the care of Allah. In the centre of these oases, and constructed 'above the numerous remains of ancient cities, long since mouldering beneath the soil, stand the moveable mud hovels of a wild 'and barbarous race, demoralized by Islamism, and reduced 'almost to idiocy by the political and religious despotism of their 'native rulers on the one hand, and the arbitrary exactions of the 'Chinese police on the other.

'Ignorance and poverty reign supreme in Mavuoinnahar, the 'modern Bokhara, Khiva, and Kokan, which formed the richest 'and most enlightened region of the East in the fourteenth and 'fifteenth centuries. The libraries of Samarkand, Tashkend, 'Fergunah (in the Khanat of Kokan) Khiva, and Bokhara, with 'the observatory at Samarkand, have irrecoverably perished under 'the merciless hand of Tartar Vandalism; which consigned to 'perdition all.

'Knowledge save that of a religious character, even the 'monuments of a bygone era of enlightenment and culture, have 'fallen victims to the fanatical zeal of the Mullahs, who regarded 'them in the light of Towers of Babel, or as sinful rivalries 'between mankind and the creative spirit of Allah. The minarets, 'schools, tombs of Mahometan saints, and the Munar tower,

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\* *The Russians in Central Asia*, p. 347.

'from which criminals were precipitated, have alone survived the general ruin.'

Wolf's Bokhara and many other authorities could be quoted to show the miserable condition of these countries, the stronghold of Islam bigotry, of the slave dealer, and robber. Atkinson in his 'Upper and Lower Amur' 85, referring to the Kerghis steppes states, 'The ancient inhabitants of this region rendered it extremely productive. The numerous canals which still exist show their engineering skill, and the extent of the irrigation it produced. In some of the channels the water yet runs, and, where it overflows, the sterile soil is covered with a luxuriant carpet of vegetation, adorned with flowers of singular beauty. There is abundant proof that it has once been densely inhabited, and it is probably destined to be a great theatre when occupied by Russia. The vast number of tumuli scattered over the plains, the extensive earthworks which have been either cities or strongholds, afford convincing evidence that a great people were once located here.'

Such is the condition of the land which Russia has now reached; she is on the Oxus, and is occupying there a similar position to what we had on the Indus just thirty years ago, when we determined that that mighty stream should be opened out to trade and the light of civilization, and should become a highway to Central Asia. The Oxus in the countries to the north of the Hindu Kush is to Central Asia what the Indus is to North-West India, 'it is the artery which vivifies the territories of the great Tartar hordes through which it flows, which are otherwise unapproachable on all sides by reason of the steppes and deserts of shifting sands.' This river can be ascended in boats to within a short distance of Balkh, and may, we hope, be hereafter the pacific link between India, Central Asia, and a reformed, liberalised Russia. The Punjab Report, 1864-5, gives a statement of the late movements of the Russians in this direction. They are about 350 miles from the frontier of Kashmir as the crow flies, but about 900 miles from Peshawar by the nearest mercantile route.

We are now placed face to face with Russia in Central Asia, and mighty issues are depending on the meeting. Are the English and Russians to be on the same terms in Central Asia as the Scotch and English were on the frontiers of Scotland in days of yore, to wage a perpetual border warfare, threatening each other in every way, made the tools of intriguing Moslems, who will play between both parties using them as their puppets? Are the English and Russians to waste their valuable resources in destructive strife, or is Central Asia to be regarded as the connecting

link between the trade of India and Russia, the high road for pacific intercourse and civilization?

It is indeed, a novel and singularly interesting situation for the British empire in India, which hitherto has been chiefly in contact with effete rude Asiatic dynasties, to stand face to face with a mighty semi-Oriental Power like that of Russia, which must have more or less a disturbing effect on our Indian policy, and is likely also to affect Russia herself. But India must expect what is familiar to States in Europe, where, in these days many are going to and fro, and knowledge is increased. It is easier now to travel from Moscow to Calcutta, or from St. Petersburg to the Oxus, than it was 25 years ago to proceed from Calcutta to Lahore; Bombay will soon be within three days journey of Calcutta, and travellers already begin to come to India to enjoy the sports of the field. French influence crosses our path in Egypt, the Red Sea, Madagascar, China and the South Seas; yet we keep friends; there are jealousies from the conterminous boundaries of France and Belgium, France and the Rhine, yet parties agree to differ. Is there no possibility of a similar spirit of amity between India and Russia?

As this is a question whose solution rests mainly with the Cabinets of St. James and St. Petersburg, let us cast a glance at the view taken by the leaders of the press in England on the subject of Russian vicinity to India. Almost all have agreed on this, that whatever may be the projects of mere military men in Russia as to an invasion of India, and military men in every country write on subjects of invasion—it is their profession—yet as long as it is confined to paper no harm is done, but the Russian Government has too much on its hands now, the expense and physical difficulties are so great, Russian finances are too embarrassed, and recollections of the Crimean war are too recent, to allow of any serious plan being entertained by responsible parties. On the prospect of the Russians being our neighbours, we give some of the views of the English press which represent public opinion generally. The *Times* thus writes: ‘If there is any circumstance connected with Russia in Asia which should be regretted, it is in truth not the proximity of its border to our own, but its distance from it. The advance of the Russians has been the advance of civilized Government against lawless and disorganised tribes. We and they have been impelled by the same causes to adopt similar courses, and there is no reason to suppose that, if we arrived face to face, a collision must ensue. We have had common enemies, but need not be enemies to one another. Our case has been that of two pioneers in a virgin forest, whose clearings must gradually approach each other, and if ever we

'meet it should not be difficult to fix upon a common boundary. That time is, however, very far distant. The possession of the Punjab has given us a frontier in the North-West which is a natural barrier against outer barbarians, and we are content to develop the resources of the territory under our rule without enlarging its area by fresh annexation. Russia is not yet so fortunate, but with the permanent acquisition of Khokan she will reach a mountain range on the south, which will probably be for many years the limit of her advance in that direction. But whether the day when we meet be near or distant, whether it happen in the the next ten years or never happen at all, there can be no occasion for the jealous alarms which are periodically raised in India, and are echoed by a few in England. To be forewarned is at times to be forearmed, but among nations a warning is as often an invitation to attack. Mutual jealousies and suspicion are potent to bring about a war when neither party desires it. And in this case we are as strong as we well could be; our position is so well chosen as to be practically impregnable, and an assault upon it, were the enemy's base as near as it must be distant, could only recoil upon the attacking Power.'

The *Quarterly Review*, in a valuable article in April, 1865, reviewing Vambéry's travels remarks: 'The Anglo-Saxon in India has never felt the restraint of a land frontier putting him face to face with an equally powerful empire, such as is familiar to any one at Paris, Vienna, Berlin; in India the dominant race is getting to chafe under the prospect of a frontier to enforce on it a new position and new responsibilities.'

The *Daily News* wrote: 'Alarmists are in great excitement about the advance of Russian troops in Central Asia. To people who live further off it seems a very good thing that even Russian civilization should succeed to that fearful barbarism which is found at Kokhan, Bokhara, and everywhere from the Sea of Aral to the frontier of China; but the people of England cannot see and will not see what can be done now or at any time which can hurt our Indian empire as long as we keep within our bounds there, and maintain those bounds as we are well able to do, and become more and more secure in our Indian seat, by the growing prosperity of the country and people. We could do nothing if we desired it to prevent the advance of Russia in Asia, and wise men do not desire it.'

*Allen's India Mail*, April 6, 1865, makes similar remarks:—

'The advent of the Russians cannot fail to impart a knowledge of many articles as yet undreamed of in these hitherto almost inaccessible regions, and out of that knowledge will spring the

' desire of possession. To none will this diffusion of western ideas and western "notions"—to use an American phrase—prove more largely beneficial than to the manufacturers and merchants of England, for they are the source from whence these new wants must be supplied. But whether it be advantageous to British interests or otherwise, it is idle to fret and fume against an universal law of human nature. Of two neighbouring countries, the one that is most highly organized or furthest advanced in civilization must inevitably exercise, as it were, a magnetic influence upon the other. Throughout all creation there is an innate tendency to produce an equilibrium. The great will magnify the little, or the little will pull down the great; but in one way or the other a balance will be struck for good or for evil. Instead, therefore, of expressing either fear or regret at Russian progress in the East, it would be both more liberal and rational to rejoice that light is dawning in dark places, and to render every assistance in our power to develope a result as creditable as it will be beneficial to all concerned in bringing it to pass.'

Many other articles in a similar spirit appeared in the *Daily News*, *Pall Mall Gazette*, *Morning Star*, &c.

Michie, in a singularly interesting work, 'A Caravan Journey from Petersburg to Pekin,' observes: 'The ambitious projects of Russia have been the means of spreading the benefits of civilization and Christianity (in a much diluted form) to many savage tribes. High roads have been opened in the desert, and commerce has followed in the wake of conquest.' The *Fortnightly Review*, in an able article on Central Asia, writes in the same spirit: 'Science and literature will be equally indebted to the power which places within a few weeks' journey from the west the antiquities and concealed libraries of Tartary, and lays open to exploration the scenes of its mountain ranges.'

A host of articles of a similar kind could be cited, but we conclude this branch of our subject with a quotation from the *Calcutta Times* Correspondent, who has made himself well acquainted with the progress of Russia in the East.

'Any rule is better for Central Asia than the anarchy of Khokand, and the cruelty of Bokhara. In the interests of humanity Russian administration, superficial and selfish though it is, will be a great gain there. In the event of a European war, the Russian force in Asia would be as much reduced as ours in India, while our fleet would be well able to protect our commerce in the Indian and China seas, unless France also moved from her position at Saigon and the Pulo Condore Islands. There remains the sole fear that, imitating all Asiatic invaders, from Ghenghis



'Khan to Nadir Shah, the Russians would organise and pour down armies of Turkomans and Cossacks. The possibility of this I hold to be too doubtful to justify a recurrence of the Russophobia which used to afflict both English and Indian statesmen in Lord Palmerston's younger days. But were it possible or even probable, our frontier is too well regarded, our artillery too good, and the Russian mercenaries too nomadic, and their base of supplies too far distant to make the issue uncertain. It is true there is the chance of an internal revolt in India at the same time; but that always exists, while good government and large experience every day make it less likely than before 1857. If the great Powers of Europe check Russia on her western side, she must expend her superfluous energies in Asia. Let her do her best to imitate in the north and centre of this vast continent the noble work England is doing in the south, and all true men will wish her God-speed.'

The Indian Government has been taught by the Cabul campaign the painful but useful lesson of not meddling with Central Asia, though it must be said that the intervention in Cabul was against the views of the Court of Directors and of all Indians of experience; it was the doing of Sir J. C. Hobhouse. The last Punjab Report states that in 1854 and 1864 the Government of India refused any intervention on the appeal of the Khan of Kokand; time will show that the Russians, if they interfere in Cabul, will only plunge into a sea of difficulties which will cost them men and money, without any material benefit from an unruly and wild race. Afghanistan has been well described as 'a fathomless gulph ever raging with intrigues and discord, never permanently to settle down into a fixed and permanent Government.' Intervention in Central Asia implies war, and war to keep off Russian interference with India would be stirring up disaffection in India to a serious extent by the new taxes that would be levied to carry on a costly war; already the native population complain in these times of peace of the weight of taxation. The editor of a Calcutta newspaper expressed lately what, we believe, is a general feeling in well-informed circles in India.

'Peace is essential to progress and prosperity everywhere, but in no place more than in India. The advent of grim-visaged War is here but the signal for a suspension of those measures of development, on the success of which the advancement of this country depends. We cannot pay for large armies in the tented field, and at the same time provide money for the construction of new lines of railways, canals, and roads. Peculiar circumstances render us less able to do this just now, than we were at any former period of British Indian history. The revenue

‘ of the country has vastly increased, but so have the prices of  
‘ labour and all other commodities. More rupees tumble into the  
‘ treasuries than at any former period, but the rupee of the present  
‘ day is not worth more than six annas were at the time of the  
‘ Cabul war.’

The editor of the *Bombay Gazette* of May 25, 1865, echoes for the Western Presidency similar sentiments regarding Russian progress. He agrees that the progress of Russia against barbarism is a subject for sympathy, that the danger to our Indian empire is too remote to be taken into account, and he makes the following important suggestions:—

‘ The miserable game of counteracting the influence of Russia  
at these petty Mussulman courts by rival embassies, or by  
secret bribery, had much better be avoided altogether; nor  
do we believe our Government would ever seriously contemplate  
engaging in it. If they did, they would do so at a great dis-  
advantage, for Russia is before us, and has access where we have  
not. She has no Affghanistan, no Khyber, between her and  
Turkistan, as we have; she is able to accompany her embassies  
with an armed force, which we are not; the country is accessible  
to her, while it is not to us. A word from her can rescue Euro-  
pean travellers from an almost hopeless dungeon in Bokhara;  
‘ while our remonstrances are certain to be powerless, and our  
‘ envoys even would hardly dare to adventure their lives in so  
‘ inhospitable a country. In a word, the Tartars respect Russia,  
‘ while they have no sort of respect for us, and know but little  
‘ about us. We should only lose what little prestige we may  
‘ happen to have gained in those remote countries by any efforts  
‘ made on the spot to counteract Russian influence in Indepen-  
‘ dent Tartary.

‘ The fact is, that the general question as to how far it is  
‘ good policy for Great Britain to oppose or aid the advance of  
‘ Russia in those countries, is, to a great extent, settled for our  
‘ statesmen by circumstances; for, in reality, it is very little they  
‘ can do in the matter one way or another. They cannot, if  
‘ they would, prevent Russia being a great and powerful empire,  
‘ and exercising paramount influence among the barbarous  
‘ nations in the north of Asia. They cannot prevent her having  
‘ easier access to the interior of Tartary from the southern pro-  
‘ vinces of her dominion, than we can have from this side of  
‘ India; they cannot alter the circumstances which have given  
‘ her facilities for acting in those regions which we could not  
‘ command. To attempt to oppose her by diplomatic action on  
‘ the spot would be futile, because diplomacy backed by batta-  
‘ lions such as Russia can use, will always be far more effectual

‘ among half-civilized people than diplomacy without them, which  
 ‘ is all that England could employ. Obviously the right course  
 ‘ is for the two Cabinets to come to an understanding together,  
 ‘ and pursue in common and harmoniously that policy which may  
 ‘ be best for the interests of mankind.’

England has learned at the cost of 800 millions of national debt the evils of ‘ meddling and muddling.’ The House of Commons has last year very decidedly affirmed the principle of non-intervention to the no small disgust of Lord John Russell; even on the Polish question which drew so largely on English sympathy, there were not five members of the House of Commons who would have voted in favour of an armed intervention. The cases of Denmark and America were also testing ones. When the Circassians sent a deputation to England, in 1863, asking intervention in order to check Russia in the East, even Lord Russell gave a decided negative. A celebrated orator stated lately in the House of Commons. ‘ Intervention was based on maintaining what we  
 ‘ called the balance of power. A ghastly phantom which has  
 ‘ loaded the nation with debts and taxes, it has sacrificed the lives of  
 ‘ hundreds of thousands of Englishmen, it has desolated the homes  
 ‘ of millions of families, and it has left us as the result of the  
 ‘ profligate expenditure which it has caused us, a double peerage  
 ‘ at one end of the social scale, and far more than a double pauperism  
 ‘ at the other.’ The ascendancy in the House of Commons belongs now to the party whose motto has been economy at home, peace, free trade with all nations abroad. England, owing to the rise in the value of labour, to extensive emigration, and to the exhaustion of the old recruiting grounds in Scotland and Ireland, is feeling more and more the drain on her resources in keeping up an army of 70,000 English troops in India. At the same time, it must not be forgotten, that while England is strong against intervention, the amount of English trade with India, the property sunk in railroads and mercantile speculations, and Britain’s duty, as the great protecting power to the nations, in shielding them from anarchy, and affording them the light of civilization and Christianity, would cause her in the defence of this brightest jewel of the British crown, ‘ to wage a war to the knife’ against any invaders.

Home politics are against intervention with Russia in Asia. Such remote places as Khokand and Tashkand are not even known in England on the map, and in the face of the stirring events and looming eventualities of Europe excite little interest. England has to look nearer home; much of the present peace in Europe hangs, in all human probability, on the life of one man, Louis Napoleon, who, as far as regards Europe, well deserves

the title of the Napoleon of Peace. On his death, Paris may again blaze out as a volcano, the explosive elements now pent up may then burst out with fearful violence, and the Government may be seized by a military man, who, to distract attention from home grievances, may adopt the policy of the first Napoleon, and wage war abroad as a safety valve for the turbulent. The relations between England and America are more or less unsatisfactory. The best informed classes in the Northern States feel very bitter against England for what they consider her want of sympathy shown during the late struggle with the Southern States; the Alabama question is postponed not settled, and America is almost certain to adopt the precedent of the Alabama in case of England being engaged in war. On the other hand, a more friendly feeling has been growing between Russia and America. American sympathy in high quarters was with Russia during the Crimean war, it has increased very much since Russia, after serf emancipation, entered on a liberal and even democratic phase.\*

We belong to no party on this question except the party of our country. We hold most thoroughly that British rule and protection have been the greatest boon that India has ever experienced, that the future welfare of this land depends on keeping up British connection, and that England is fulfilling a noble mission in the East which no other Power can execute. Even by the admission of Russians themselves, Russia is behind England a century in material, moral, and social elevation. But we can love our country without hating another, and we hold that England has ample scope for all her energies south of the Himalayas, our hands are full with the charge of one-fifth of the human race. Let Russia carry on her career north of them, there is room for both without coming into collision. The Hindu Kush and Himalayas, with their passes 17,000 feet high, are boundaries sufficient.

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\* There is a natural sympathy between Americans and Russians arising from their position and circumstances. A Russian nobleman once expressed the general feeling on this subject when he said,—‘The Americans possess all that we admire in the English, without that unapproachable hauteur that impenetrable barrier with which the latter surround themselves.’ The nature of their respective climates and the habits arising out of this have much in common, both have immense territories with a boundless future before them; they are young giants, growing in health, knowledge, and power, and released from many of the shackles of the old nationalities, which both absorb a variety of nationalities and mould them into the type, in one case of Anglo-Saxonism, of another of, Slavonism. The American and Russian territories meet north of California, the Siberian telegraph will link America to Europe *via* Russia. Since the Crimean war, American engineers have met with great favour in Russia.

We think the Russophobists have done good in calling the attention of the public to the movements of Russia, so that we should not be caught napping ; on the other hand, they have overlooked the various influences of a peaceful kind that are of *late years* working in Russia, leading her to a policy of internal development, opening out new spheres abroad for trade. Though her armies are on the Oxus, yet mercantile enterprise and civilization will follow in their track, and in a few years English trade with Central Asia may be enabled under her ægis to traverse the country.

Much of the alarm that has at different periods prevailed in India regarding Russia, owes its origin mainly to misconceptions in two points,—an exaggerated view of the military resources of Russia for aggression on a power like that of England, and an ignorance of the great reforms that have taken place in Russia since the death of Nicholas, ‘the crowned sergeant,’ which must modify her foreign policy ; the more she improves at home, the better neighbour she will be on the frontiers of India. We shall glance at those two points.

Men and money are the sinews of war. A debased currency and paper money have brought Russia, like Austria, almost to the verge of bankruptcy, with little credit abroad, and an impoverished exchequer at home. After the Crimean contest Russia was groaning under the burthen of £120,000,000 of notes in circulation. The *Saturday Review* \* remarks in an able

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\* ‘The present Emperor of Russia has shown himself capable of large views, and his emancipation policy has been cordially welcomed by every free State, and by the subjects of some of the despotic Governments of Europe. But a grand reform of this kind, however it may tend to the ultimate prosperity of the country, has the immediate effect of impoverishing the Treasury ; and unless money can be secured by abstinence from domestic and foreign wars, there is no possibility of Russia recovering the strong financial position which she enjoyed during the reign of Nicholas. Every step towards freedom will lead to increased expenditure on a score of neglected subjects of central administration ; and without internal and external peace the Moscovite Empire will be in danger of sinking to the position of one of the insolvent countries of the world. There is still ample time to avert this catastrophe, but only at the cost of abandoning all schemes of territorial aggrandizement. The progress of wealth in a half-civilized country must of necessity be somewhat slow, and one more serious war would complete the collapse of Russian credit which was almost brought about by the last attempt to absorb the dominions of the Sultan. For strictly defensive purposes, Holy Russia is perhaps as strong or almost as strong, as ever. The fanatical loyalty of the people would supply a force which, like the love of liberty in the Confederate States, might be proof against financial difficulties, even though the currency should be depreciated, as it has been in Richmond, by 2,000 per cent ; but without some such special stimulus it would be

article on the Russian Budget, while pointing out that the land revenue is failing, the customs duties lessening, that the equilibrium can only be restored by a large reduction of military expenditure:—4½ millions sterling were reduced in 1865.

Russia has a large army, but she has an immense extent of territory to guard, stretching from Kokand to the Icy Sea, from the Vistula to the Amur; she has to guard against internal revolt and there are few roads. She had an army of 2,000,000 at the time of the Crimean war, yet how little was done with it. It is now reduced to 800,000 men which means, allowing for deductions and 'men on paper,' some 200,000 capable of being brought into the field; she has recently reduced her levy to four men per 1,000, instead of ten per 1,000, as it was a few years ago. Population is the means of recruiting an army, but the whole population of Russia amounts to only 75,000,000, about one-third of that of India; Siberia with its vast extent has only 3,000,000, and even the Amur territory, larger than France, having an area of 361,000 square miles, has only 64,000 inhabitants—one-tenth the population of Calcutta!

Notwithstanding the embarrassed state of her finances, Russia's interests require her to raise 100 millions sterling to complete her lines of rail, to link Moscow on the south-east side with the Caspian, on the south with the Black Sea, and on the west with Austria and Central Europe; she finds now to her cost she has sacrificed in former years the substance of home development for the mere shadow of an immense territory without roads, canals or trade, or a numerous population to make it profitable to her.

And yet this Power, which is so cramped at home for money and is reducing her army, is supposed to be forming designs on India. It is true military men have drawn up plans for that purpose, as French officers have for the invasion of England,—but paper plans

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'vain for the Emperor to attempt hostilities on a large scale, even if he were more disposed to such a course than he has yet shown himself to be. Financial weakness is an almost insuperable barrier to aggressive ambition, and in a poor country like Russia a growing debt, a redundant currency, and a series of deficits may be accepted as the most effectual pledges to the maintenance of peace. If her weakness for evil should confirm her in the pursuit of domestic reforms, she may, in the end, be a greater gainer from the unbalanced state of her budgets, than if she were tempted by prosperity to resume the career of ambition which has apparently been checked, first by a disastrous war, and since by the absolute necessity of remodelling a society some centuries in arrear of modern civilization. There is every reason to suppose that the Emperor Alexander correctly appreciates his position, and, if so, the warmest friends of Russia need not be overmuch downcast at the unsatisfactory accounts which are all that her Ministers are as yet able to render of her financial position.' *Saturday Review*, January 28, 1865.

like engineer's designs cost nothing. We are no believers in the speedy advent of a millennium of peace, but we hold that dilapidated finances are one of the best incentives to a non-aggressive policy. How often of late years was Europe on the verge of war; there was plenty of barking, but no biting. The tax payers and people have now their voice in affairs; they know—

*Reges delirant, plectuntur a Hiis.*

Russia has had the misfortune to be painted by her enemies; the Poles have drawn her likeness, naturally not a very flattering one, and the general conception in India is that she is a mere military Power, intent only on material conquests, crushing all nationalities under her despotic heel; such was the case under the iron rule of Nicholas, who sought to preserve quiet at home by promoting war abroad, and who found foreign war a safety valve for those spirits who would think for themselves. Soldiers were his hobby even more than Napoleon's. His private cabinet at Tsersko Celo, near Petersburg, is kept still in the same condition as it was left at the time of his death; it is hung round with military pictures indicative of the taste of the man who, as he himself expressed it, slept on a volcano. Nicholas strikes one as a sincere despot, naturally of a narrow mind and limited education. The conspiracy of 1825 gave him an antipathy not only to revolution but also to reform; he considered himself as the *malleus* of revolution; conscientious and arbitrary, he regarded himself as the sentinel of European legitimacy and monarchy, as George the third did of the Protestant Constitution.

But his death ushered in a new state of things; tongues and pens were set free in St. Petersburg and Moscow, the *débâcle* then set in, and the Russian mind, loosed from the close restraint of thirty years, launched out into speculation on all sorts of reforms, political, social, religious. A re-action now is impossible. No Czar that would go back to the old state of things could hold the throne. Peasant and peer from different points of view would combine against him. Autocracy has had its day.

Little information has reached India of the reform movements that have been making head in Russia, during the reign of the present Emperor who has spared no pains to prepare his subjects for constitutional government. In this respect no country in Europe, not even Italy, has made greater progress than Russia has within the last six years, and the waking up of a great people must be of special interest for India, as the liberal party of Russia are the advocates of a good understanding and alliance with England.\*

THE LIBERAL PARTY, THE PARTY OF PROGRESS, AND THE PARTY OF REFORM IN RUSSIA  
an Anglo-Russian alliance. As a specimen of the spirit of the rising party in Russia we give an extract from Tourgeneuf, one of the oldest Russian

The first great reform and the basis of almost all the others is Serf Emancipation. Though serfdom was not as bad as slavery, yet it had this in common, 'it treated immortal and redeemed men as goods and cattles, denied them the rights of marriage and home, consigned them to ignorance of the first rudiments of education, and exposed them to the outrages of lust and passion.' Serf emancipation has been one of the greatest and most bloodless victories of this century. Twenty-three millions of serfs were restored to their rights in the face of an enormous opposition composed of a demoralized varnished aristocracy \* and a powerful bureaucracy, who knew that an emancipated peasantry, holders of their own land, was one of the strongest barriers against bribery and the oligarchical spirit. The Czar and a knot of liberals around him persevered, though he knew he ruled in a country 'where the highest man in the State could not tell, when he closed his eyes at night, whom he would find on the throne in the morning.' This was an opposition which the Emperor Nicholas shrank from facing. He saw the empire required it, but he knew it would kindle the flame of freedom through the land, and time has shown his foresight was good. Never was there a more bloodless victory ;— an interesting account has been published in ' Good Words ' of the

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liberals ; in his ' *La Russie et Les Russes*, ' Tom III. p. 70, he expresses the following sentiments which find an echo in the breasts of many Russians :—

' It seems to me we do not appreciate at their just value those movements, which from time to time lead certain nations to distant countries, and place in contact the inhabitants of one extremity of the globe with those of the other extremity ; this need of expansion which pushes civilization on, and makes it invade barbarism by all means and in every form. Ought not all the civilized people of Europe to applaud the conquests of France in Africa ? Ought not all enlightened Governments not merely to accompany with good wishes, but also do all in their power to aid by their co-operation the enterprises of the English in China and even in the East Indies. We do not lose sight of the fact that while labouring to procure for themselves depôts of trade, the English are labouring, without perhaps intending it, at the advancement of civilization. In entering where Europeans had never gone before, they open a route which will one day be practicable for the whole world. In imposing their rule on Hindus and Chinese, they make them enter into the commonwealth of nations. Who will dare to say that this community of all human beings is not in the designs of Providence ?'

\* A writer in the *Westminster Review*, 42 years ago, vol. I. p. 98, remarked of the Russian nobles of his day, that ' he who would do good in Russia, must work downward, must act upon the mass of the nation. The nobles are too selfish and too proud, too self-sufficient to learn, and too proud to teach ; the few will not bend down towards the many, nor detach from the privileged aristocracy any who might form a link for blending the distant castes ; if the rich will not descend the poor must rise, and he who elevates them most is the greatest benefactor of both poor and rich.'



way in which the Edict of Emancipation was received. The Russian peasants from the nature of the climate are nomadic in their habits, they will serve Asia as examples of a superior peasantry, their village system will be very useful as a model for Asiatics.\* The Russian peasant is now not only independent of the caprice of landlords, but he is endowed with a system of self-government. Each village elects its one peasant head or *starosta*, a kind of mayor of the *mir* or miniature republic. He has magisterial power in minor cases, the heads of a certain number of villages meet together as a bench to settle more important cases. Each peasant magistrate wears as the insignia of office a brass chain with a medal appended, having the inscription, 'Year of Emancipation 1863.' There are district tribunals presided over by honorary magistrates, of whom 1,400 were appointed by the Russian Government to arbitrate between the noble and peasant. These decide important police cases.

With these peasant mayors and the village municipalities as the base of the system, a further step in advance has been made by the Government dividing Russia into large provinces, each with its assembly to regulate local matters, police, taxation, to frame laws &c., &c. These new provincial diets are elected by district† assemblies, the members of the latter are chosen from

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\* Baillie in his 'Land Tax of India' writes: 'In Persia and the countries about the Oxus, the cultivators are represented as living pretty much in the same way as they are still found in India; they are congregated in *mouzahs* or villages, to which the lands that they cultivate are in some manner attached, and which in some instances appear to have peculiar customs of their own, so that the system of village community which is usually considered a custom peculiarly Hindu, was either introduced into India by the Mahomedans, or is a phase of society common to India with the countries which adjoin it on the north-west.' Had Mr. Baillie seen Luxthagen's travels in Russia, he would have had in it the clearest evidence that the village community has existed from time immemorial in Russia, and equally with the Indian system must have been originally formed on the Highlands of Central Asia: the Slave when he parted from the Aryan meeting ground took it with him to Russia.

† This is only the revival of an old state of things which prevailed, to a certain extent, before the autocracy of the house of Romanoff overrode everything. The *Quarterly Review* for January 1863, in an article headed 'Constitutional Government in Russia,' points out that six centuries ago Russia had extensive municipal liberties; two centuries ago Russia had a States-General, composed of nobles and clergy, which, in 1612, extorted a charter from the young Czar; but the Czar's autocracy broke through it. It laboured however, as Dolgorouky points out, under the serious defect of attempting to establish a free Government for the higher classes, whilst the great mass of the people remained in hopeless servitude. Various subsequent attempts were made: the last was in the conspiracy of 1825 formed to prevent Nicholas occupying the throne, and to establish a liberal Government; it was quenched in blood and confiscation. Had it succeeded, Europe might have been saved from many evils.

the general election of the townspeople, peasantry, and nobles. They have held their meetings throughout Russia, and one good omen for the future is the harmony of classes; in some instances peasants have been elected to the assemblies, in the majority, however, the peasants themselves have chosen nobles to represent them as finding them better qualified than any from their own order. It was a new thing in Russia to see the priest, the noble, the peasant, the bourgeois, and military officer meet together to deliberate in harmony for the common weal, to find the interest excited so great as to draw Russian ladies to attend the meetings, while in various cases the subjects of the assemblies afford a theme for the clubs, *cafés*, and *soirées*,—how different from the leaden reign of Nicholas!

These provincial assemblies are a training school for constitutional government, and a preparation for a Russian House of Lords and Commons which will come in time, but the country must first learn experience in local matters. A constitution for Russia is a boon only a few years distant.

These provincial assemblies will help to promote what is a leading measure of reform now, a decentralised local administration, which will enfeeble the power of bureaucracy by transmitting the initiation of a great number of economic and administrative measures to persons most interested in them. The centralization of St. Petersburg has been as great an incubus on Russia, as that of Calcutta, in former days, has been on India. Russia and India alike have groaned under red tape.

Hitherto all judicial matters in Russia have been decided in secret and by writing,—every thing has been in the hands of the police, and men on being robbed preferred not to complain, rather than by complaining to be robbed again by the police and secret courts. But all these abuses are being gradually swept away, and throughout Russia the courts are now open to the public, the evidence is oral, trial by jury is introduced, and a bar is being gradually formed. It is a new thing to see in the Russian papers reports of trials in court.\*

Nor is what lies at the base of all good government forgotten,—the education of the masses. For a century and a half Russia acted on the system which has been so long in vogue in Bengal,—that of ignoring the masses, while seeking to polish the higher

\* Let any persons, that would wish to acquaint themselves with the frightful abuses that prevailed in the Courts, read *Tchinovniks* or 'Sketches of Russian Provincial Life.' London, Booth, 1861. Indian readers who know what the police and Mofussil courts are, will find many points of comparison.

classes, denying to one the necessaries but giving the other the luxuries of knowledge. What have the French veneered nobles of Catharine done for the country? Their French education has isolated them from the people, made them an exclusive, haughty caste by themselves.

Under the Emperor Nicholas only a limited number of students were allowed to attend the schools and colleges. At Riga they petitioned for a larger staff of professors, the answer the Czar gave, was—three ‘regiments of infantry, and a battalion of artillery’ to ‘overawe students who had imbibed such liberal opinions.’ As for peasant education, the nobles treated it with the utmost contempt, using the same argument against it as is now adopted by certain high officials in Bengal; that it would make the ryots discontented with their condition. But emancipation by changing the social condition of the peasant gave a mighty impulse at once; within two years after the first proclamation of Serf Emancipation 8,000 schools sprang up among the peasants, and they have since progressed in an accelerated ratio. Grahame, in a most valuable work on the ‘Progress of Literature and Science in Russia,’ published last year, states: ‘Since the barrier of serfdom has been removed, the Russian peasant has shown himself most eager to improve his mental as well as his physical condition, and grasps all the rudiments of education that have been placed within his reach; the demand has been made by a vast accession of schools, the introduction of Sunday Schools for working men and boys, and an immense increase in the literature both of standard works and periodicals that are now poured from the press every week, and at a price, which places them within the reach of the poor.’ The Budget of the empire lately published, notwithstanding the financial difficulties of the State, allots 15 million roubles or £2,500,000 sterling to education; of this, £2,000,000 sterling is for people and peasant education, for schools of agriculture and horticulture. The present Director of Public Instruction, Monsieur Golovin, is a man of liberal ideas. He has published two pamphlets in English, giving the system proposed for the Russian universities and national schools, which show very sound ideas on the subject of education generally. Private benefactions are springing up in aid. Mr. Siderowa, a Siberian merchant, has lately given £20,000 and an auriferous district to found an university at Tobolsk.

The press, which was kept under the rigid supervision of the censorship, enjoys now a much greater liberty. Local abuses are often exposed in it with an unsparing hand; the policy of Russia at home and abroad is freely discussed. The *Moscow Gazette* is one of the ablest journals of Europe, and in talent ranks with

*North British Review*\* in an article headed 'Russia under Alexander II' ? 'England and Russia have all to gain and nothing to lose by being better acquainted. Mr. Herzen writing under the name of Iskander, asked in 1858—'is it not time to destroy the delusion of a rivalry which has its foundation only in ignorance of geography?' To which it seems that the Governments of England and Russia, if directed by wise counsels, ought to be not rivals, but a support to each other in Asia. Neither of us can hurt the other seriously, except by exciting insurrection among our respective subjects, or stimulating the hostility of the tribes conterminous to our borders. Such a policy must re-act against the power that uses it, for against both the cry of religion in danger, and the cry for independence could easily be raised. If the statesmen of the two empires thoroughly understood each other, it could be nothing but a cause of rejoicing to us, that Khiva and Bokhara received law from St. Petersburg, and the re-action against barbarian invasion, which was begun by Demetrius of the Don, had reached at length the ancient capital of Timur.'

We must have with Russia in Central Asia either an armed peace or a good understanding—if the former, what an expenditure of resources on both sides withdrawn from the work of civilization and devoted to the arts of destruction! India and Central Asia, a scene of intrigues, for emissaries to make fools of both sides, while the turbulent, the *canaille*, and the bigoted Moslems are the only parties to gain!

The case of the friendly alliance, so happily established between France and England, is encouraging to those who hope that an alliance on a similar basis may take place in Asia between England and Russia. The main mover in the Anglo-French alliance is a Napoleon, the nephew of England's bitterest foe.

In former days Englishmen travelled little in France, as it was difficult and dear, and the *émigrés* blackened the government of Napoleon; both nations were taught from their cradle that they were hereditary enemies. 'An Englishman was taught to hate the French as well as to observe the Ten Commandments; and a Frenchman, on the other hand, was educated with the idea that his only enemy on the face of the earth was an Englishman.' Is it not surprising that they went on for centuries throwing back the progress and prosperity of both, loading themselves with enormous debts, whilst the want of a proper understanding between both proved a stumbling-block to the elevation of other nations?

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\* *North British Review*, 1864, p. 158.

Russia presents certain points more favourable than France for an alliance with England ; its people are more social and congenial than the French,\* I mean of course the upper, travelled class ; they appreciate English literature far more highly than the French in the proportion of twenty to one. The French are execrable linguists, which is a great drawback to intercourse. There is a more friendly feeling between the members of the Anglican and Russian churches, than with the French church, Englishmen have always occupied important positions† in Russia in the naval, medical, and commercial line, which they never filled in France, and have been well treated, even during the Crimean war remaining without molestation in Russia.

An Englishman, 40 years ago, that would have advocated the present close alliance between France and England, would have been denounced as a dreamer, an ideologist, yet is not an Anglo-Russian alliance equally practicable for Asia, and fraught with the same and even greater benefits to Asia than the Anglo-French has conferred on Europe ?

One obstacle to this good understanding is the danger apprehended to India from the disturbing influence of the neighbourhood of Russia on the native mind ; beneficial as our rule as a whole has been to India, yet there is a class of 30,000,000 Musulmans who hate us, who feel we have displaced them from the *gadi* in India, who are sinking more and more in the social scale,—the Government having most unwisely ignored their education, bestowing all their favours on the Hindus. There is another party who burn to avenge the defeats of 1857 ; the embers of the old mutinous feeling still smoulder. There are others who have nothing to lose by revolution, and who love to fish in troubled waters.. These parties fear only physical force and the ‘ cold steel.’

But there is a large and influential class of natives who feel that English rule protects them from anarchy, and promotes the improvement of the country in every way ; these fancy that the English in India are getting frightened and fussy at the approach of the Russians to our Indian frontiers. This notion is spread widely by the native press, and may be mischievous hereafter. Is

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\* During the Crimean war, the English officers were more at home when prisoners in Russia, than with their allies the French,—the same feeling prevailed among Russian officers, when prisoners among the English.

† It was a Scotch engineer who fortified Sebastopol, an Englishman secured St. Petersburg from the French. English engineers and capitalists are now greatly in demand for Russian railroads ; the best steam fleet on the Volga is managed by an English company ; an English bank has been recently established in St. Petersburg. Half the vessels that entered Cronstadt last year were English.

it not the duty of the authorities to make known their views through the native press and correct these errors? For this the Government ought to have a *Moniteur*, which would point out that England, which inflicted so severe a blow on Russia in the Crimean war, is fully prepared to defend her Indian frontiers against any foe, but that she sees in the advent of Russians in Central Asia no grounds for intervention, as Russia will do therein the same work of civilization, as that in which England has long been engaged in India.

One evil is doing much mischief in India,—the ignorance in which the natives are regarding the real condition of Russia; were the Musulmans in India to know what an inveterate foe the Russians have invariably proved to the crescent, of which Vambéry remarks, ‘from the day Russia drove the Tartars out of Moscow, and made, as her trophy of victory, on the steeples of her churches, the cross surmounting the crescent, Russia has been the inveterate foe of the Moslem,’—they would abate in their expectations from Russia. Moslem pride is waning in Delhi under English ascendancy, and a similar fate awaits it in Bokhara, the last Asiatic stronghold of Mahomedanism, from the influence of the Russians.

The Government should take up this question and not leave the feeling of security and confidence in their *raj* at the mercy of penny-a-liners, or of parties who get up sensational paragraphs in order to sell their papers. Ours is, to a certain extent, the empire of opinion in India, and therefore false reports which endanger that, should, as far as possible, be corrected. One obvious means is at hand: the Government has vernacular papers under its pay and control in Calcutta, Madras, and other quarters; these papers proved very useful during the mutiny in circulating correct information. Let the same use be made of them now. Though of course little can be done to do away with the bazar *gup*,\* yet misinformation in print may be corrected. The native press may be despised as insignificant, yet straws show the direction of the current; thus the native press at Delhi

\* Kaye's ‘History of the Sepoy War,’ Vol. I., p. 342, states: ‘that a number of very preposterous stories were industriously circulated, and as greedily swallowed in India during the Crimean war; these stories all pointing to the downfall of the British power. It was freely declared that Russia had conquered and annexed England, and that Queen Victoria had fled and taken refuge with the Governor General of India. There had long been a chronic belief that Russia would one day contend with England for the mastery of India; that coming down in immense hordes from the north, and carrying with them the intervening Mahomedan States, they would sweep the English, broken and humbled, into the sea.’

gave distinct warning notes, before the mutiny, of the coming tempest, yet no one attended to it.

The points that require particularly to be made clear to natives in order to prevent groundless alarms are, that Russia may be our neighbour without being antagonistic,—that the Moslem has little to expect from the Russians who have been the bitterest foes of the Musulmans,—that affairs in Europe are bringing round a better understanding between Russia and England, which will tend to keep subordinate agents in Asia in order,—that Russia has entered by her reforms on a new career, which is favourable to international peace,—that a social, literary, and religious sympathy is springing up between Russia and England.

Russia is skilful in diplomacy, and by the astuteness of her agents often re-gains in the Cabinet what she has lost in the field, as we have seen in her conduct in China, and after the Crimean war. To meet this, intrigue must be counteracted by accurate information communicated to natives. Had the mutineers known the real resources and power of England, they would never have risen against us; in a similar way, were the natives generally acquainted with the present condition of Russia, and her relations with England, they would turn a deaf ear to those who would impose on their ignorance by representing Russia as a mighty military power, with unbounded resources, eagerly bent on the conquest of India. *Omne ignotum pro magnifico.*

Unfortunately the natives have had these false views of Russia supported by the way in which the English press sometimes dwells exclusively on the military element in Russia, ignoring the other great changes going on in that empire, as well as the financial difficulties.

The best way of meeting this difficulty is by letting all authentic information regarding Russia be known among the natives; we must not appear as we do now, as if we were afraid of the Russians, and, therefore, kept information back from the natives. It is not surprising, that natives shake their heads ominously when Kabul is mentioned, as if the end of the British *raj* was drawing nigh. Let us speak out boldly, and say the Russians have come to the Oxus, and though they may have ambitious designs, yet as far as they promote civilization we bid them God-speed, while if there be any *arrière pensée* to embarrass us, we bid them defiance. The men, that held their own against fearful odds during the mutiny, are not now to shrink when the artillery and all the strong posts in India with the passes are in their hands. The Russians are going into those Kabul fastnesses in which we lost an army.

While not neglecting military defences along the frontier, and, above all, a line of railway from Delhi to Peshawur, and from Multan to Kurrachee, let us not overlook what has been called the cheap defence of nations—Justice—looking on ourselves as the great protecting Power to whom all the oppressed, ignorant, and degraded throughout India may look up as the *gharib parwar* :—why did the masses in the mutiny not rise in many cases against us? It was mainly because they felt we were the best rulers they ever had, and when the sepoys took possession of a town, how often did the trading wealthy classes offer up their prayers for the restoration of the English *raj*.

The *harmony of all classes* is one of the best internal defences. Let the zemindar and ryot, the European and native, see they have a common stake, and must, therefore, work together for the common weal.

Let not the questions of the country be judged through the eyes of English lawyers whose theories are drawn from Roman or English law and not from a study of the social circumstances, and past history of the people. The *Quarterly Review*, in an able article reviewing Vambery's travels, remarks on this,—‘The defective joint in the defensive armour of our Indian empire is the want of sympathy between a high European race, and the Asiatic race over which it rules.’\*

With a good understanding between Russia and England as to their Asiatic policy, each working in its own sphere without interfering with the other; the vast heights of the Himalayas serving as a border land; it is impossible to calculate the benefits that would result to Asia. The Moslems and fighting races would find the game of war was up, and they would have to turn to industrial and peaceful pursuits. Christianity would gain, for the finger of scorn would no longer say, ‘see, how these Christians hate one another.’ Trade would flourish, and so would colonization, for England and Russia are the only European countries that understand it. We should soon, by the joint co-operation of both empires, have a railway to connect Central Asia with Europe on the one side, and India on the other, as proposed by Sir R. M. Stephenson.

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\* A modern English writer, referring to this, makes the following remarks well deserving attention :—‘We honestly believe that both Russia and England can each, in the long run, be the better for being thus placed on their best behaviour at home and abroad, if only by a respect for the moral leverage which each may exhibit to its former rival, as lying in its hand ready for it to exercise over the native population of the other. The victory, if contest there be, will favour the conquering empire, at least as much through its sympathy with Asia, as through its command of European arts and forces, and it will, therefore, be a deserved victory.’



There are signs of the times that indicate a *rapprochement* between Russia and England. The enemies of slavery in England and America hail Russia as a powerful ally in the anti-slavery crusade. Moscow now being within four days' journey of London, Englishmen are beginning to travel in Russia, and report favourably of the new order of things. Science is linking the Savans of the two nations together, and the Russian Government has invited the botanists of Europe to hold their next re-union in St. Petersburg. There are proposals for starting an English newspaper in St. Petersburg.\* But the great sign of *rapprochement* is on the side of commerce, Orientalism, and religion.

Commerce is a great pacificator of nations. What Russia is doing now in Central Asia in subduing these wild and lawless tribes, is preparing the way for British merchants. Forts and military roads make travelling secure, and will enable England to undersell Russia in her own markets. The steam plough has found its way to the Volga, and it will soon reach the Oxus. It is in Central Asia, as H. D. Seymour states in his preface to Ferrier's *Afghanistan*, 'that we shall have for some years to come 'to fight a pacific battle with Russia,—a battle which friends might 'fight, in which the struggle will not exhaust but invigorate the 'combatants; where the object of contention is as to who shall bring 'to the nations of Asia the manufactures of the civilized world? 'Who shall stimulate them most to return the productions of their 'own fertile countries?'† Russia carries on, by way of Bokhara, with Kabul and Kashmir a trade in hardware and fur; at the latter place English broad cloth, which has come through Russia, has been sold, but Russian cotton goods have been driven out of the field in Bokhara by English goods. Ample masses of iron, coal, and gold are found near Tashkand. Tea is widely used in Central Asia, and the tea-drinking Russians may ere long have their tea-shops at Moscow replenished from the Himalaya tea plantations. With Russian

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\* The Russian language being so little known and so difficult, the Russian press has had little influence on Europe, and no means existed of giving correct information about Russia; in this respect however the journal *le Nord*, a daily paper published at Brussels, has been of considerable use, as each number generally gives a letter from a St. Petersburg correspondent, imparting much valuable information about Russia.

The Russians and English felt this want, and on June 3rd, 1865, the Russian *Galignani* or *Echo de la Presse Russe* appeared in Brussels, as a bi-weekly newspaper. It gives in French in a few columns a *précis* or *résumé* of the contents of the chief Russian journals. The editor is Scheddote Ferrete, an Italian, who has published various able works on Russia. The London agent is Bender, 8 Little Newport Street, Leicester Square,

† Ferrier's *Caravan Journeys*, 1866, p. vii.

our best papers ; it comments freely on public affairs. Edwards,\* in his 'Russians at Home,' gives much valuable information on this subject.

Toleration has been more extended. The Russian Dissenters, nine millions in number, have not now to bribe the police, in order that they may be permitted to perform the offices of marriage and burial ; they are not now forced into church and compelled to take the sacrament at the point of the bayonet. Scheddoti Ferrati has published a valuable book on the Dissenters of Russia.

The passport system has been reformed, travellers now meet with no obstructions from the police, nor are they dogged by spies.

The postage on letters and books has been considerably reduced, and a book-post has been established. The penny-post is in operation, cheaper than that of England, considering the enormous distances in Russia.

A move has been made towards a free trade policy, but the manufacturing interests of Russia are strong against it, still the cause is making progress in high quarters. The duties have been reduced on sea-borne tea from England, which has given rise to a large demand.

Church reform is in progress ; the stipends of the inferior clergy are being increased, the education in the ecclesiastical seminaries is being improved, the study of English has been recently introduced into them.

The telegraph is at work. While the success of the Atlantic cable may be always uncertain, Russia will maintain an alternative

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\* He states ; ' Russian authorities and journalists judging from what actually appears, seem to enjoy in many points far greater liberty of expression than is permitted to writers in France and Germany, all the great satirists the country has produced, have been countenanced and encouraged by the state.' How different from former days, when the censor sat with his preparation of powdered glass and gutta serena, to obliterate all obnoxious passages, when Cuvier's 'Revolutions of the Globe' was seized as a revolutionary book. In Nicholas's time the censor struck out the name tyrant given to Nero ; a man advertised for a dog he lost, called Tyrant, the word tyrant was erased, and the name Faithful substituted. When Alexander came in 1855 to the throne, one of his first measures was to allow new reviews and magazines which had been prohibited during the 30 years of his father's reign, and his subsequent action has been in accordance with the same policy. Prince Dolgoroukow, no gentle criticiser of his country in his 'Verité sur la Russie,' remarks on the present state of things : ' At the present day, public opinion is no more a vain word, but a power on which you can calculate ; after the disgusting spectacle of an ignoble bureaucracy, we are consoled in viewing the independence of the press, of the man of thought, and of the people in Russia, and we are becoming proud of Russia.' Truth from foreign countries has now a chance of reaching the Russian people.

line. She has completed her telegraph through Siberia, is pushing it on to the mouth of the Amur river through Arctic Russia to Behring's Straits, which will be crossed by a submarine cable 40 miles long. The remainder of the line along the western coast of British America near to Vancouver Island and the Salt Lake, is contracted for by an American Company. Siberia will thus be made one of the channels of civilization, and Russia will be open to the world, and will be one of the telegraphic links between America and England, as well as between England and the vast empire of China. There has been established lately a regular mail between London and Pekin *viâ* St. Petersburg and Siberia,—the postal and telegraph charges are moderate.\* Russia presents an alternative line of telegraph between India and England *viâ* Tiflis and Erivan, a message can be sent by that route from Calcutta to St. Petersburg for £ 4. The rail has now bridged the once formidable journey between Russia and England; three days and a half transport the traveller from London to St Petersburg, half a day more by rail to Moscow, and another half a day to Nijni Novogorod on the Volga, while 300 steamers on the Volga afford ample facilities for making a trip to the Caspian; in a few years the Caspian will be within three days of Moscow, and the traveller to India might proceed down the Caspian by steam, join the Euphrates line at Bagdad, and so on to Kurrachi.

With these great radical reforms in Russia, which must tend to give her a policy similar to that of the liberals of England,—peace, retrenchment, and reform,—with the Polish question settled on the basis of making Poland as constituent a part of the Russian empire as Ireland is of England, endowed with the same rights,—with Constantinople to be probably hereafter made a free city, under the guarantee of the five Powers,—does not the time seem arrived for calmly considering the proposition of one of the advanced liberals of England, as given in the 81st number of the

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\* Mr. Wylie, an agent of the Bible Society, proceeded from London to Pekin *viâ* St. Petersburg and Siberia, in 1863. He gives the following as his experience :—‘ I travelled from London to Pekin, a distance of about 7,500 miles, with all my numerous stoppages, in four calendar months; instead of the difficult trials and hardships of which I was so often warned against, I have scarcely experienced a vexation, worth more than a passing notice. Of the Russian Government and officers, I have reason to speak in the highest terms for their urbanity and the attention I received at their hands.’ The roads were generally good, and in various cases he met Englishmen, some of them settled very comfortably in Siberia as merchants and agents. His entire expenses amounted to about £ 120, less than the steam rate *viâ* Gallé and Hong-Kong. Michie and Grant who went by the same route bear the same testimony, and give very interesting accounts of their tour.

tea selling at 12 shillings a lb at Moscow; what an opening is presented as a mart for Indian tea in Russia; but Russia must first give roads and security in Central Asia. Bokhara might send large supplies of cotton. The Russians contemplate establishing a factory there with machines for cleaning the cotton, but they must have steamers and roads on a wide scale, as now the transport of every ton of goods between Bokhara and Moscow seldom costs less than £ 18 10s. England must soon have a railway, connecting Kurrachi with Peshawur, and up the valley of the Euphrates; her commercial interests require her to have a *débouché* in Central Asia.

The *semi-Oriental genius* of Russia\* is likely to render her very interesting and useful to the East. The Russian race which comprises 60,000,000 Slaves is semi-Oriental, both in its origin and by its geographical position, and the labours of the Russian Academy and its Savans are calculated to throw a flood of light on the Tartar and aboriginal races of Central and Northern Asia. Humboldt in his '*Asie Centrale*' bears a willing homage to the Russian Savans whose writings on the geology, history, antiquities of Asia have been of great use. † For many years a regular interchange of publications has taken place between the Asiatic Societies of Calcutta and St. Petersburg, and we are glad to see in the 128th number of the Bengal Asiatic Society's Journal an able article on Central Asia by Monsieur Seminoff, a Russian gentleman distinguished for his Oriental research, and who was sent in 1856 by the Imperial Geographical Society of Russia on a mission of exploration into Central Asia.

One of the best works we have on Buddhism is by Wassilew, a Russian Professor; Seminoff has written well on the 'Tartar tribes; Dorn on the Pushtu language; Scheifner on Buddhism, and Tibetan literature; Schmidt on Mongolian and Tibetan literature; Bœtlingk is editing a great Sanskrit dictionary which will be completed in about five years; Kovalevsky has written on Sanskrit; Dorn has published a valuable treatise on the affinity between the

\* De Custine calls the Russians 'Orientals, who in their former migrations lost their road, and whose chiefs by mistake led towards the north, a people born to live under the sun, they are drilled Asiatics.'

† The English and Russians can work hand in hand in this way, the former in South Asia, the latter in North and Central Asia. But the feeble encouragement given by the Indian Government to Oriental languages is in marked contrast with the Russians on the same; in the University of St. Petersburg, for instance, the following chairs have been established,—21 Oriental professors and teachers of Oriental languages and literature, including Arabic, Persian, Turkish, Chinese, Mongolian, Kalmuk, Armenian, Georgian, Sanskrit, and Hebrew.

Slavonic and the Sanskrit ; Hilferding another on the affinity of the Russian and Sanskrit.

The Asiatic races that are subject to Russia afford a fine field for observation,—particularly the Tartars, Armenians, and Georgians.

The Russian Church, like Russia itself, is semi-Oriental, and may perhaps yet fulfil in Central Asia the destiny Haxthausen marked out for her,\* ‘to serve as the mediator between Europe and Asia, and to transmit to the East Western civilization.’ To those anxious for the establishment of an indigenous Christianity in India, the study of the Russian and Eastern churches is important. The annals of the Russian Church, as given by Mouravieff, Stanley, Neele, and Palmer, are full of thrilling interest,—the power that one woman, the Princess Olga, exercised in introducing schools, constructing roads, and opening out Russia to Christianity and civilization,—the causes that decided the Russian nation in favour of Christianity—the influence of the Church in fostering the spirit of patriotism and national unity, during the two centuries Russia groined under the Tartar yoke—its essentially Oriental origin, qualifying it for missionary operations in Northern and Central Asia, and for its being a link between Western and Eastern ideas,—are well deserving study.†

Of late years much interest has been excited in the Russian Church among various classes of Christians in England, in consequence of the circulation of the Scriptures ; a movement has been begun to open friendly relations between members of the English and Russian churches, and whatever the results may be, it must do good in leading to a mutual increase of knowledge and consequent lessening of prejudices, while the action of England may be most beneficial in rousing the Russian clergy to more increased social and missionary activity.

As one of the signs of the times, a movement in favour of fraternal intercourse between the English and Russian Churches, has been going on for years in England, and has met with a response in Russia. A petition to the Canterbury Convocation in favour of it was signed by fourteen archdeacons and thirty proctors for the clergy, ten English bishops and two archbishops ; and some leading laymen, among whom is Mr. Gladstone, support the movement. An important meeting was held on the subject lately in

\* *Evangelical Christendom* of February, 1866, p. 83, mentions the very interesting fact. ‘More than 200,000 copies of the New Testament in the Russian vernacular are said to have been sold in that empire (the Russian) within the last two years.’ For its missions on the Altai see Neele’s *Voices from the East*, pp. 81—113.

† *Etudes sur la Situation interieure, la vie naturelle et les Institutions rurales de la Russie*, tom iii., page 188.

London, at which were present, among others, the bishops of Oxford, and of Edinburgh, canon Wordsworth, count Tolstof, the chaplain to the Russian Embassy in London. The *Bombay Gazette* notices the meeting, and makes the following comment on the fact, that such a movement towards intercommunion does exist in the Russian and Anglican Churches. 'Looked at politically, it is a tendency of great significance. We are of opinion that in the East, if England and Russia only understand each other rightly, there need not be any of that antagonism which is assumed to exist. We think the views of the able writer of the pamphlet, "Russia, Central Asia, and British India," merit more attention than they have received. In place of rivalry, the two great Eastern powers might, by co-operation, aid each other in the mission which, from their territorial possessions, devolves upon them, of promoting the civilization of Central and Southern Asia. Any movement which tends to bring the Russian and the Englishman nearer to each other is, therefore, to be hailed with interest as lessening future causes of uneasiness. Ecclesiastically we should have conceived the highly learned Anglican Church and the comparatively illiterate Russian communion at opposite poles, but interchange of religious thought may tend to greater theological nearness.' In the American Episcopal Church, a lively interest has been taken in the welfare of the Russian Church, and in 1864 a delegate was sent from the American Episcopal Church to Russia, who met with a very friendly reception from the dignitaries of the Russian Church.

Much still remains to be said on this important subject, but we have reached the length suitable for an article in a Review. We trust, however, that this rapid sketch of a question that might fill volumes in its details, may impress on our readers the importance of studying Russia, now coming out as she is in a new phase before the world;—that the sympathies of Englishmen everywhere will be with the rising class of liberals in Russia, who are maintaining a manful struggle with the oligarchical and reactionary party;—that while we should set our faces as a flint against any movement of Russian functionaries which may tend to interference in India, we should at the same time wish Russia all success, in her efforts to open roads through the steppes, and establish steam communication on the Oxus;—that we and our well-affected native subjects should understand that we all have a common interest in putting down, in the sternest manner, the class that would invoke foreign aid, and thus introduce anarchy and all kinds of disorder into India.

Above all, it is our duty here in India, while keeping a strict watch over the events on our frontier, to make ourselves acquainted

with the past history and prospects of the Russian people. By the admission of all they have a great future before them. May it then be a pacific one, and may the new course Russia has just entered on be beneficial not only to herself, but also lay the foundation of a durable alliance and permanent good understanding between the two great races to whom the destinies of Asia are committed as a trust—the Saxon and the Slave.



- ART. IV.—1. *The History of Christianity in India from the commencement of the Christian era.* By the Rev. James Hough, M. A., F. C. P. S., Perpetual Curate of Ham ; late Chaplain to the Honourable East India Company at Madras. In 5 volumes. London, 1839—60.
2. *Christianity in India ; an Historical Narrative.* By John William Kaye. London, 1859.
3. *Some Account of Endowments and Institutions in connection with the Diocese and Archdeaconry of Calcutta.* By John H. Pratt, M. A., Archdeacon of Calcutta. Calcutta, 1865.
4. *The twenty-second Report of the Calcutta Diocesan Additional Clergy Society, being that for 1864-5.* Founded by Bishop Wilson in 1841. Calcutta, 1865.
5. *The Churchman's Almanac for the year of our Lord 1865.* Calcutta. Printed at the Free School Press.

IT will be in the recollection of our readers that, about a year ago, a small agitation was got up in England, against the proposed erection of a bishopric at Lahore. Sir Charles Wood moved for leave to bring in a bill enabling Her Majesty to found one, and assigning a modest income to the bishop and his archdeacon, to be paid, as in other cases, from the revenues of India. But between the first reading and the day fixed for the second, symptoms of opposition were manifested, and as it was necessary to hurry to its close the last session of a Parliament which had already lasted for six years, the Lahore bishopric was swallowed up in the vortex which engulfed all other measures of doubtful popularity. But though the fate of the measure was inevitable, it certainly was not withdrawn in deference to any cogency in the reasoning urged against it. Any one who has moved among men must occasionally have met with arguments of lamentable weakness, both on theoretical and practical subjects, but we have seldom encountered any more absurd than some of those which were advanced on this occasion. One English newspaper actually said, that to send a bishop into the midst of a nation of military fanatics, like the Sikhs, would produce another mutiny ; a danger, however, which did not prevent our present Diocesan from devoting nearly the whole of last year to a visitation of the Punjab, and travelling through its remotest



districts under the protection of escorts supplied by the Sikh princes of Patiala and Jhind. Another complained that it would be contrary to the Queen's proclamation to appoint a bishop to convert the natives. No doubt: but it is not contrary to any proclamation either of the Queen or of common sense, to place the chaplains, who minister to Europeans, under proper superintendence, and to station at reasonable intervals of space and population spiritual officers, who, from their rank and opportunities, are especially bound to encourage piety and good works among Christians. There is at first sight a little more plausibility in the plea, that it is unjust to spend the taxes paid by Hindus and Mahometans in maintaining a bishop for the English. And this argument, started by the non-conformists at home, was eagerly caught up and echoed, not by the non-conformists of India, who know the facts too well, but by a few editors of native newspapers, who are fond of repeating that it is a breach of religious neutrality to spend money on Christian pastors and churches, when no grants from the public revenue are made to priests or mosks or temples.\* Yet these writers are surely aware that the public revenue does contribute very largely indeed to heathen and Mahometan endowments. In the first place Government allows and pays 'military chaplains' to native regiments, in the shape of Moulvies for Mahometans, and Grunthis for Sikhs. Each of the six regiments of Punjab infantry is allowed both a Moulvie and a Grunthi, because in them followers of the Prophet are mixed with disciples of Baba Nanuk. Moreover estates of considerable value were granted for religious purposes by Hindu and Musulman princes, and the revenue due to the State from those lands was constantly remitted. These remissions, amounting altogether to an immense income, have ~~been~~ continued by the British Government, and the amount of public money thus practically spent on the maintenance of native worship, is quite sufficient to justify, in the eyes of the most rigid doctrinaire, the comparatively small sum devoted to Christian purposes. There is, we believe, no country in Europe where conventual establishments possess such rich endowments, as are enjoyed by fraternities of Brahmins and beyragis and by mosks and imambaras, under the English *raj* in India. Now, considering that the Indian revenue has been increased enormously by English enterprise, that up to last August there was an income tax which fell with almost exclusive exactness on Europeans, and that they also contribute largely to the stamps, custom duties, and other items of national income,

See for example the *Som Prokash* of January 29, 1866.

neutrality would in truth only be violated, if help were refused to the worship of Christians. In the whole of India the cost of the Church establishment, or rather establishments, for there are two, English and Scotch, nay, as far as the army is concerned, three, since the Roman Catholic priests in military stations are also paid by the State, does not amount to £150,000 a year, such a sum as, according to Mr. Massey in his recent Budget speech, may, in an expenditure like that of India, almost be left out of the account. At all events it cannot be compared with the share of the national revenue absorbed by heathenism and Islam.\* Moreover, from the same plea it will follow that the doctors must be withdrawn, since they are brought out and paid mainly to physic the Europeans, and indeed that the army, which of course exists only to protect English interests, must be swept away likewise. So that we come at last to the conviction that this whole style of reasoning really involves the question, whether we have any business in India at all, and to this logical consequence those who devised it are perhaps scarcely prepared to push it.

The tone of the Anglo-Indian press, so far as our experience goes, was generally favourable to the measure, though the *Friend of India*, while fully allowing the folly of such objections as those which have just been noticed, thought that a new bishopric was hardly needed, and in this view was supported by its redoubtable correspondent M. Ten years ago, it was argued, when the journey to Delhi was a formidable undertaking, a bishop of the Punjab might have been wanted to supervise the chaplains of the Punjab, but now that the Bishop of Calcutta may traverse the thousand miles of the East Indian Railway with great benefit to his health in fifty hours every cold weather, the creation of a suffragan see of Lahore would be an anachronism, as great as it every canny paterfamilias, on leaving Edinburgh for London, were to adopt the precaution, universal a century ago, of making his will before encountering the perils of the journey. But the *Friend* and his correspondent fail to appreciate the really prodigious extent of this diocese. The Bishop can get comfortably to Delhi no doubt, and his progress is still further expedited by the wonderful Punjâbi steeds which, like 'Xanthus and Balius of Podargus strain,' whisk the traveller along the Grand Trunk Road from Lahore to Peshawur. But

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\* The actual cost in the last complete financial year, 1864-5, was £ 148, 854. See the *General Budget Estimate of India for the year 1866-7*. This, too, must include all the aid given to the Additional Clergy Society and other voluntary agencies.

when he returns to the Indus at Attock, where is the railway and where the swift-footed horses to convey him over the five or six degrees of latitude which still separate him from the frontier of the diocese of Bombay? And when, having reached Dehra Ghazee Khan and Rajanpore in about a month, he returns to civilization at Moultan, how, except by ploughing with camels through a dreary waste of sand, is he to reach Sirsa and Hissar? Again, what shall we say of Central India, of Assam, of Burmah, of the Andamans, of the Straits? Indeed if the railway has facilitated, it has also augmented his work: it has brought Englishmen into the country in a constantly increasing stream: clergy and churches must be planted along the line, at Toondla, at Ghazeeabad, or in other shifting centres of population, as they have been at Rancegunge and at Jamalpore: new towns rising up around the compounds and bungalows of Allahabad and Lahore are demanding their pastors: it is becoming yearly more unreasonable to expect one body to traverse the space which separates, and one head to devise plans for the wants which disturb, the chaplains, missionaries, additional clergy, soldiers, settlers, and native converts, who are scattered from Dibroghur to Indore, and from Singapore to the Khyber Pass.

We are not ignorant that this proposed addition to the strength of the Anglican Church in India seems objectionable to some on wider grounds. The day of State Churches, it is said, or at least, of the extension of State Churches, is over. Voluntaryism is not only in harmony with the spirit of the age, but is the only principle in accordance with facts. The Church of England is not the Church of all Englishmen, still less of all Scotchmen and Irishmen; it may be the most powerful of religious communities in the three kingdoms, but it is by no means the only one, not even the only established one. At home, passing over the aspirations of some of our more violent reformers, which, as we devoutly hope, are not likely to be realized, we find a general agreement that the revenues of the Church are to be used for the maintenance of "public worship according to the forms of the Church, but that they are not to be augmented from the funds of the State. There all parties think it well that the development of the Church should be left to the munificence of churchmen. Let the same rule, it is sometimes urged, be applied to India. Let churchmen be content here, as in England, with the concession of the principle *quiesce non movere*. Let the Church keep what it has got, but extend its efficiency by its own exertions, and ask for no more bishoprics to be endowed by Act of Parliament. Indeed some go on to

say that it is high time for Anglo-Indians to be taught a lesson of self-help. Too long have they looked exclusively to Government, as to a sleek milch cow grazing on the rich pastures of Cheshire or Gloucestershire, for the supply of all their wants. A Church is only half a Church which contains within itself no principle of expansion. One of the noblest of Christian graces is liberality in giving, and a churchman can have no worthier object for its exercise than the propagation of the faith and ordinances by which his own spiritual life is supported. And to these arguments is sometimes added the assertion, that the laity of the Anglican Church in India are not conspicuous for good works, and might profit by the example of the various non-conformist communities which surround them, and especially by that of the Free Kirk of Scotland.

There is doubtless some force in such reasoning as this, and we heartily agree in the abstract principle, that a Church wholly dependent on State support, is sure to become a dead Church. Whether the Anglican Church in India is less conspicuous than other religious communities for the Christian virtues of munificence and self-denial, is a point which may be briefly noticed presently. Meantime we would remark that if a State Establishment is admissible anywhere, it may be most distinctly justified in India. No one, as far as we know, objects to military chaplains at home, or to the appointment of a chaplain-general as their head. Nothing except the insane jealousy of ecclesiastical authority for which the mass of official persons are remarkable, has prevented the appointment of a chaplain-general for the navy, to superintend and control the chaplains allotted to ships of war. It has never been proposed that the army and navy should support their own clergy. Now, although the clergy on the Indian Establishment are not military servants, or under the control of brigadiers and colonels, yet the great majority of them are employed in ministering to troops; and the bishop of each diocese is in his relation to them a chaplain-general, only with the independence and extended opportunities inseparable from his position in the Church. Chaplains of civil stations (chiefly at seats of Government or other places of special importance) have in their congregations a great number of persons in Government employ, including clerks and others of the middle class, who can hardly be expected to maintain a pastor for themselves. Complaints are sometimes made that there are too many chaplains in Calcutta, but it is forgotten how many institutions are necessarily collected in the capital, which may fairly claim religious ministrations at the public expense such as three or four large

great jail, and the garrison of Fort William. The Cathedral is sometimes called *ad augendam invidiam* a 'collegiate church', but it is forgotten that the jail and General Hospital, each with its separate chapel, are included in its parochial district, so that on Sunday there are always four and sometimes five services in connexion with it, which would certainly overtax the strength of a single chaplain. Then again India has not yet become, like Australia or Canada, the permanent home of a large English population. Such a change is indeed by no means impossible, and the number of families of mixed blood scattered over it is already large; but still, generally speaking, the English in India are a migratory race, eager, often with a foolish and discontented eagerness, to save money, hurry home, and find themselves miserable in having nothing to do. They have no permanent stake in the welfare of the country, they send to England the surplus of their salaries, they come out under the expectation, and, to some extent, with the understanding, that many advantages will be supplied to them at the public expense, in compensation for the comforts which they leave behind, and the discomforts, some real, some exaggerated, which they encounter here. Again, while the voluntary principle is more uncertain and less to be relied upon in India than elsewhere, there is no country in which the controlling influences of Christianity are politically more important. The Duke of Wellington declared that the influence of the clergy on the army was 'the greatest aid and support to military discipline,' and the officers of the European regiments in Madras, in the last century, confess that corporal punishment ceased from the time that Swartz began to give religious instructions to the men.\* If a chaplain prevails on even a small portion of a regiment to cultivate self-restraint, and to make the fear of God a prevailing motive; if he can effect only a little towards putting down drunkenness and impurity; if he can persuade some of our sturdy Anglo-Saxons that *God has made of one blood all nations of men for to dwell on the face of the whole earth*, and so efface, in some degree, the broad line of demarcation which separates European from native, he will have done a work which ought to be accepted even by those who take the most purely utilitarian view of the State's functions, and will have made it worth while for Government, as a simple matter of economy, to incur a small expense for his salary. Whatever be the evils which now

\* Parry's *Anglican Church in India*, pp. 87, 118. See 'Sermon preached at the primary visitation of George Edward, Bishop of Calcutta, Sept. 14, 1850, by W. Kay, D. D.

afflict this country, things are better than in the days when the English were reckless adventurers who, to quote Burke's indignant remonstrance, 'rolled wave after wave on the shores of India, 'with appetites ever increasing for food always diminishing'; and when the natives used to say in their broken jargon, that the sahibs had, indeed, the *poojahs*, which they called Christmas and Easter, but that 'Christian-religion devil religion; Christian 'much drunk; Christian much do wrong; Christian much beat 'and abuse others.\* In those days, when Henry Martyn persuaded the Governor of Bombay to stop horse-racing on Sunday, and preached a sermon on the 'one thing needful', the sporting community retaliated next day by 'running *Hypocrite* against *Martha* and *Mary*.'† As to the habitual lives of our countrymen, we read that they 'cheated and gambled and drank and revelled 'in all kinds of debauchery, being associates in vice, but still 'often pursuing each other with desperate malice, so that among 'them there was no fellowship, except a fellowship of crime.‡ It was in the hope of remedying such a disgraceful state of things, that good men both in India and at home clamoured for bishops and chaplains, and a Church Establishment; and whatever may have been the shortcomings of the Anglican clergy in this country, we shall not deny that the remedies suggested have helped to produce the cure, when we think of the influence exercised by such chaplains as Martyn and Corrie, and by such bishops as Heber and Wilson. Of this we may cite Lord Wellesley as a witness. That great Governor said in 1812 that when he arrived in Bengal, 'the religious 'character of the European community was in a disgraceful 'and lamentable state, but that it had been nobly and greatly 'improved by the Church of England.'§

But the Government Church Establishment is designed especially for the welfare of Government servants, the ministrations of the clergy to other Christians being, as it were, incidental and subordinate to this essential and primary duty. Of course such ministrations are obligatory, for this would be secured by the vow of ordination, without reference to any orders of Government, but still it was never intended, nor would it be desirable, that the State should make its establishment commensurate with the whole Christian population of the country. For this would

\* Kaye, *Christianity in India*, p. 41. Dr. W. Kay's Address at Oxford July 14, 1865. Hough, *History of Christianity of India*, ii., p. 136.

† Hough, ii., p. 490.

‡ Kaye, p. 46.

§ Letter from Marquis Wellesley to Lord Ellenborough.

dry up the beneficence of the Church itself, and produce that deadness of spirit which the enemies of State Churches are apt to charge against them. In an article which appeared in the 83rd number of this *Review*, we drew attention to the need of vigorous measures for supplying our increasing Anglo-Indian population 'with those Christian ordinances and influences which are proved 'by long experience to be the only leaven capable of purifying a 'secular life, and to provide their children with a sound education, 'that the next generation may be prepared from the first to do 'their duty manfully and intelligently to their Creator, to one another, and to the country in which their lot is cast.' At that time we only considered the second of these two great needs, and we laid before our readers some thoughts on the education of Anglo-Indians belonging to the middle class in wealth and position. We may perhaps do some service if we now follow up that article by a short discussion of the first subject then suggested, and endeavour to recount first what has been done, and then what in our opinion ought to be done, to place the European section of the Anglican Church in India on a satisfactory basis. We exclude for the present all reference, except such as is merely casual and unavoidable, to its work in reference to missions and congregations of native Christians, not from considering this part of its operations less important than the other, but merely for the sake of simplicity and unity of purpose. We are indeed aware of the risk that, if any of the readers of the *Review* have had the patience to accompany us thus far, they may, on arriving at this announcement, think it a duty to close the present number with a groan. It is, we know, the fashion for every able young man of the present day to profess the most entire contempt for all clerical persons, and detestation of all clerical subjects. Mr. Ruskin has lately been good enough to inform us, that 'our national religion is only the performance of 'Church ceremonies, and preaching of soporific truths or untruths 'to keep the mob quietly at work, while we amuse ourselves.\* The dullness of sermons has been for some time, not altogether without reason, a favourite theme for newspaper sarcasm, both in England and India, and lately the 'Punjab pulpit' has been selected as an object for special animadversion. Yet somehow when it comes to the point, it always seems that the clergy have a far wider influence than their detractors are willing to allow. It has been lately pointed out by the *Friend of India* that whenever a station is left for a time without a clergyman, a wail of bitter discontent is immediately raised. The fact that the

\* *Sesame and Lilies*, p. 100.

chaplain of a comparatively small place went home on furlough last year, and that there was some difficulty in finding a successor, was indignantly denounced as a 'disgrace to the Church of England.' Letters both private and official to the Bishop, to the Lieutenant Governor, to the Governor General, complaints 'from our own Correspondent' to the nearest local newspaper, cries invoking on the ecclesiastical authorities the thunders even of the Calcutta press, follow upon any delay in the appointment of a chaplain to fill up a vacancy, however casual and unexpected. Hence we are inclined to hope that a deeper interest is felt than is acknowledged in the condition of the Church in India, and that on the whole it is believed, in spite of Mr. Ruskin, to propagate more truths than untruths, and to have a rousing as well as a soporific effect upon those who attend its services.

It is hard to discover what provision was made in the earliest days of the East India Company for the spiritual wants of its servants; but it is a noteworthy fact that the first person who conceived the design of supporting Protestant Christianity in India by the authority of the English Government, was Oliver Cromwell,\* who intended to divide the Reformed Churches into four ecclesiastical provinces, of which the East and West Indies were to be one. This scheme fell with his dynasty, and was not revived in any definite shape till the Revolution of 1688, which event gave to Calcutta the name of Fort William, and to India a Church Establishment. The movement which produced this latter result came from Bombay, and was of a very singular character. The English residents sent a memorial to the Directors, and after noting 'what their Honours had been pleased to write concerning the Prince of Orange being arrived at St. James's, and praying that 'the true Protestant religion might flourish in England as long as the sun and moon endureth', they made five requests; *viz.*, that the Company would send them out (1) two gunners, able men that understand their business; (2) two orthodox ministers, 'we having none on this side India;' (3) some good paper and quills; (4) a little good English beer, as they call stout; (5) a little wine, 'as you were pleased to favour us with formerly.' We do not know what reply was given to the demands for gunners, stationery, and liquor, but the orthodox ministers appeared in due time with a code of instructions, enacting that in every garrison a decent and convenient place for divine service only should be provided;



and that 'all ministers' as should be sent to reside in India, should be obliged to learn within one year the Portuguese language, and should apply themselves to learn the native language of the country, to enable them the better to instruct the Gentoos, that shall be the servants or slaves of the said Company, or of their agents, in the Protestant religion.\* Thus, though a conscientious chaplain of the present day, whose strength is overtaxed by a large parochial district or garrison, including the care perhaps of two or three hospitals, has not much time to give to the direct work of evangelizing the heathen, yet the duty of extending a kind and brotherly help to the missionaries in his neighbourhood, and of stirring up his flock to liberality and intelligent interest in their labours, is prest upon him not only by the obligations of his baptism and his ordination, but by the original constitution of the service to which he belongs. There are two other points worth observing in this primitive code of Anglo-Indian canon law. The first is the order to study a vernacular language. We cannot perhaps wish that this rule were enforced on our present chaplains by the tortures of examination, for enduring which their age and profession unfit them, but it would be well if they voluntarily observed it, for without some knowledge of the kind, they cannot take an intelligent interest in the land of their adoption, and in the races whom their influence should help indirectly to unite in one flock with their European and Eurasian neighbours. And next it will be remarked that, even in the dark days of the seventeenth century, religious sentiment revolted against the creation of such hybrid monstrosities, as the so-called churches of Dugshai and Sabathu, at which places, though they are permanent stations of the British army, buildings have been erected to be used as schools on week-days, and churches on Sunday, (with maps and black boards and perhaps birch rods hastily moved out), while the vestries have been seized by commanding officers as orderly rooms, so that the soldiers scarcely regard them with any feelings except of disgust. Such abominations a former Governor General actually desired to spread over all our military stations, but this was happily prevented by the good sense and high feeling of Lord Dalhousie, and, as we trust, will never be attempted by any of Lord Dalhousie's successors. For soldiers, more than most people, require that the religious sense should be quickened within them by a feeling of reverence; Church parades have in themselves so many elements of evil that we should not add to these the depressing effects of lifeless services and hideous buildings.

It is certain that by an opposite treatment soldiers can be taught to love their Church and to take pleasure in its ordinances, as has been proved, for example, by Mr. Mayne, the late chaplain of St. Peter's, who, by the obvious expedients of hearty services and earnest preaching, never failed to secure a goodly attendance of voluntary worshippers, and often even of devout communicants from the garrison of Fort William.

The two chaplains being secured for Bombay, the church of St. Thomas, now the cathedral of that see, followed in due course. The building was not consecrated till Bishop Middleton visited Bombay as its diocesan in 1816, but it had then been used for public worship for ninety-eight years, and as the account of its original opening, given by a contemporary chaplain, is not less characteristic of the time than the combination of requests for orthodox ministers and 'good English beer called stout,' we cite it from *Le Bas' Life of Middleton*.\*

'On Christmas Day, 1718: the church was opened for divine service, drest,' says the Rev. Richard Cobbe, 'with palm branches and plantain trees, the pillars adorned with wreaths of green, and the double crosses over the arches looked like so many stars in the firmament. A whole crowd of black people stood round about, who were so well pleased with the decency and regularity of our way of worship, that they stood it out the whole service. Sermon ended, the Governor, Council, and ladies repaired to the vestry, where, having drunk success to the new church in a glass of sack, the whole town returned to the Governor's lodgings, where was a splendid entertainment, wine, and music, and abundance of good cheer. Thus was the ceremony of opening Bombay church, with all public demonstrations of joy, with that decency and good order which was suitable to the solemnity.'

Meantime, in the two other Presidencies also some pains had been taken to stem the torrent of immorality and profanity which was polluting the English name. The oldest Anglican church in India is St. Mary's in the fort of Madras, of which the first stone was laid by Governor Streyntsham Masters in 1680, and it is now further remarkable as containing the monument which the East India Company erected to the memory of Swartz. In 1715, a church was built in Calcutta, chiefly through the aid of the Christian Knowledge Society, always foremost in benefiting India, but this was swept away in 1756 by the fury of Surajah Dowlah. So when the Danish missionary Kiernander came to Bengal, he found the capital of British

India churchless, and having married a wealthy widow, named Mrs. Wolley, he turned part of her riches to good account, by building in 1770 under the name of *Beth Tephellah*, or 'house of prayer,' the Old or Mission church, with which we are all familiar. Unfortunately, he was carried away by the tide of worldly prosperity, and through his extravagant mode of living became so deeply involved in debt, that his house of prayer might literally have become a den of thieves, or been degraded to any other equally evil purpose, (for it was offered for sale to the highest bidder), had not Mr. Charles Grant, the father of Lord Glenelg and Sir Robert Grant, redeemed it for £10,000, and made it over to trustees. Its ministers are now nominated by the Bishop of Calcutta from the list of Government chaplains, like those of any other church. A halo of its past history however still floats around it; tradition yet regards it as the head quarters of what Sir James Stephen and Mr. Kaye have nick-named 'the Clapham sect'; the Church Missionary Society still holds prayer meetings in one of the rooms attached to it, and the walls are covered with tablets to the memory of eminent bishops and chaplains, Wilson, Corrie, Dealtry, Brown, Martyn, Thomason, who though worthy of all honour wherever Christ is loved, are yet specially associated with the so-called 'evangelical' memories of our Church. But in fact it has been influenced, like other churches, societies, and persons, by the various events and changes which have softened party distinctions in India as elsewhere; and though the *Directorium Anglicanum* would probably not be acceptable to its congregations, nor are its chaplains likely to make their appearance in chasubles, yet we are happily unable to discern any want of brotherly feeling between the Beth Tephellah and the other churches of the city. Of these, its younger sisters, we need say no more at present than that the first stone of St. John's, 'the old cathedral,' was laid on April 8, 1784, by Mr. Wheler, a member of council, 'under the auspices of the Honourable Warren Hastings, Esquire, Governor-General of India, when a prayer was read by the Rev. Mr. Johnson, head chaplain of the Presidency, and a public breakfast given at the Old Court House to the principal inhabitants of Calcutta.\*' As to the earliest chaplains, there is reason to fear that their tone was not such as to purify a worldly society. Their salaries of £100 a year were not sufficient to keep them from yielding to the temptations of trade, in which like other settlers they seem to have been

eminently successful, if we may trust the statement in Kiernander's Journal, that three of them carried off fortunes of £ 50,000, £25,000, and £35,000 respectively, after a service of from ten to twenty years.\* But we are thankful to know that they were soon superseded by a worthier generation. That purifying influence with which Wesley sought to regenerate our Church, but which for a time was unhappily left to flow in sectarian channels, was brought back to its right course by Simeon, and from his rooms at Cambridge was diffused over the whole ecclesiastical body both at home and abroad. India shared the blessing of the refreshing stream. Charles Grant, a Director of the East India Company, and Lord Teignmouth, an Ex-Governor-General, were united with Wilberforce, Zachary Macaulay, the Thorntons, and other men of weight and influence in a resolute endcavours to revive earnest religion in the Church of England. Of this company Simeon was the prophet, and through their agency several of the Indian chaplaincies were placed at his disposal. How he fulfilled the trust may be seen by all who turn to a list of Bengal chaplains, and there read the names of David Brown, Claudius Buchanan, Henry Martyn, Daniel Corrie, and Thomas Thomason, men who would have adorned the fasti of any Church in any age of Christendom, and who were appointed, directly or indirectly, through his influence. 'To act and provide for India,' he wrote in 1830, 'has now for forty-two years been an incessant object of my care and labour.† Among the names that follow in the chaplains' roll there are many who came out under his auspices, and were animated by his spirit. In more recent times we come to others who, though no longer exclusively from Cambridge, or owing their appointments to him, were sharers in the higher life with which the Church has been animated since his day. Bishop Dealtry, of Madras, is an obvious example. The memories of Boswell, Eteson, Harris, Polehampton, Rofe, and Burn are still green among us. Jennings, Fisher, Coopland, and Moncrieff may almost be called martyrs, for at least they were victims of the mutiny, deliberately put to death for no other reason than that they were Christians. It were invidious to particularize further, as we come to men who have but lately left us, or are still labouring for India. There are those among the living who are no unworthy followers of the dead, and who will hand down, as we trust, a tradition of Christian faith and devotion to a long roll of chaplains yet to come.

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\* Kaye, p. iii.

† Carus, *Life of Simeon*, p. 75.

We have not undertaken to write a history of the English Church in India, and therefore we pass lightly over many incidents of interest and importance in order to hasten to the proper subject of our essay; the manner in which that Church should now exert itself to meet the religious wants of the country. After the appointment of chaplains and the commencement of church building, it became obviously necessary to place the clergy under the only superintendence which their Church recognizes. The need of this had, indeed, been pointed out by Dean Prideaux as early as 1695. It was a mockery to tell the sponsors and parents of every infant baptized in India to 'take care that this child is brought to the bishop to be confirmed by him,' when their diocesan was the Bishop of London. So at last, in 1813, the territories of the East India Company were erected by royal letters patent, confirmed by Act of Parliament, into one vast bishopric subdivided into three archdeaconries. On November 28, 1814, Thomas Fanshawe Middleton landed at Calcutta as its first bishop, with all India for his diocese. For eight years he laboured heartily in the hard task of arranging into something like order the multifarious anomalies which surrounded the early days of an institution so novel as an Indian See. During this period he was chiefly occupied by long and fatiguing visitations, and especially by the foundation of a college to be a seminary of the future Indian clergy, and a centre of theological learning. Of all the lively pictures which Mr. Kaye has drawn for us in his pleasantly written sketch of *Christianity in India*, there is none more distorted and unreal than his fancy portrait of Bishop Middleton. He is even more unjust to him than to Lord Dalhousie in his *History of the Sepoy War*. From St. Paul's precept *Let all things be done decently and in order*, Mr. Kaye appears absolutely to dissent. As soon as any one objects to any practice as being inconsistent with the law or custom of the Church of England, he immediately charges him with putting the Church before the Gospel. Now as Middleton's character was stiff and angular, as he came out brimful of the associations of English prelacy, and was probably wanting in that faculty of imagination which is necessary for a man placed in new and untried circumstances, he was led sometimes to attach an undue importance to external things, he was slow at 'distinguishing things which differed' in India and England, and thus he often comes into direct collision with Mr. Kaye's most cherished prejudices. The critic even speaks sarcastically of the Bishop's literary works. 'In those days,' he exclaims indignantly, 'a treatise on the Greek Article was not seldom the by which men rose to the highest offices in the Anglican

Church,\* forgetting that Middleton on the Greek Article, though some of its conclusions have been overthrown by later criticism, is an important theological work, intended to apply certain usages of Hellenistic Greek to explain and illustrate the teaching of the New Testament as to the nature of our Lord. Moreover, in the narrative which we are venturing to criticize, Mr. Kaye shows a mania for sensational descriptions, and a desire to follow in Macaulay's footsteps, albeit *non passibus æquis*, by various verbal tricks and alliterations, very unlike the true art of that stately rhetoric, and also by producing a sketch of the first Bishop of Calcutta, no less unjust and virulent than the juvenile attack upon Laud, by which the great master of English prose is generally considered to have committed an outrage upon historical justice. And in his wrath against the founder of Bishop's College, Mr. Kaye speaks harshly and unfairly of his foundation, as a 'magnificent failure,' an 'unaccomplished purpose,' a college typified by a pasteboard Gothic edifice, which the Singhaliese erected for a festival at which Middleton was present in Ceylon.† Now this attack directly touches our present subject, because we are sure that if the Anglo-Indian Church is to expand itself from within, the existence of Bishop's College must be regarded as an important element in its development. People speak of Bishop's College as if it had been designed as a great university, thronged with crowded classes of native students from all parts of India, receiving some a theological education, some a training in *omni scibili*. But, in truth, its original plan was modest and experimental, its buildings cannot contain above twenty-five students at once, it cannot fairly be charged with failure, except in so far as the general progress of missionary operations has been slower than some fervid but unpractical imaginations expected. It has never ceased to supply a fair number of candidates for the ministry. Fifty-two of its students have been ordained, and among them lately have been Europeans, who have relinquished secular employments, or been chosen, from their success in the lower office of Scripture readers, for the work of ministering as clergymen to the increasing number of their countrymen scattered throughout India. Among its students who have not taken orders, many are now occupying secular positions of trust and importance, and have, we cannot doubt, been made more efficient officers, better Christians, and better Churchmen, by training received from men like Dr. Mill and Dr. Kay. If the number admitted to holy orders appears small, it must be remembered that the

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\* p. 286.

† pp. 307, 310, &c.

constituency who were to supply the students has hitherto been small also, for the native Christians of the educated classes are few, and before the mutiny it was commonly said that the whole number of Europeans in India amounted only to 60,000, of whom a very trifling proportion would think of sending their sons to be trained in an Indian College for the ministry of the Indian Church. The students have always been numerous enough, and have come to College sufficiently unprepared, to occupy nearly the whole time of the teachers, and thus to interfere with the leisure which might have been devoted to the preparation of theological works.\* Yet in spite of such hindrances, Mill's *Christa Sangita*, Kay's *Promises of Christianity*, Slater's Urdu Essay on the Divinity of Christ, Banerjea's *Dialogues on Hindu Philosophy*, are books in which the College may well feel legitimate pride, while a recent translation of the Psalms into Bengali is an earnest, we trust, of a larger effort to replace by a faithful vernacular representation of the Word of God, the unsatisfactory version which, for want of a better, is now tolerated, but which, as has lately been said by a competent critic, 'from its acknowledged imperfections does not meet the wants of the Christian missions and congregations of Bengal, and cannot be made to do so without a very determined and thorough revision.'† We should like to see Bishop's College placed on a broader and more independent foundation, and made an endowed College of the Diocese, instead of the property of one particular Society, but we are convinced, that as more and more Europeans crowd into India, and as Christianity spreads more and more widely among the natives, men will marvel that the utility of Bishop's College was ever questioned, and will recognize, as fully justified, the anticipations of its Founder, engraven on a brass plate now lying beneath the corner stone, *Christi non sine numina læta hæc fuisse primordia, credant, agnoscant posteræ*.

Since Middleton's time the episcopal throne of Calcutta has been occupied by five prelates, of whom three held office for very short periods, though even these were permitted to effect something in behalf of the great cause to which their lives were sacrificed. Heber completed the present buildings of Bishop's College, and as he finished Middleton's greatest work, he also rectified his greatest error, by bringing the clergy

\* Dr. W. Kay, *Some Account of Bishop's College*, p. 51, &c.

† *An Inquiry into some general features of the existing Bengali Version of the Scripture*, by a Bengal Missionary, p. 47.

of the Church Missionary Society, whom Middleton had refused to license, into close connexion with the episcopate and general administration of the diocese. We may here be allowed to quote from the Primary Charge of the present bishop a condensed account of the labours of his predecessors.\*

‘ It is needless to recount the praises of Reginald Heber, who, if he had time to do little more than complete what his predecessor began, yet shewed in what spirit he entered on his work by claiming the title of “first missionary in India,” and by his gentle disposition, his holy life, his literary eminence, his graceful writings, his unwearyed labours, and his early death, has invested this see with a sacred interest, which is in itself a rich inheritance to all who come after him. Even Bishop James, during his short and melancholy episcopate, of which only seven months were spent in India, carried out the important practical measure of dividing Calcutta into parochial districts, which has greatly facilitated the work of schools, and house to house visitation; while to Bishop Turner we owe that invaluable institution, the District Charitable Society, which supplies to the capital a carefully regulated provision for the poor, and includes all creeds and races in its comprehensive benevolence. You will not require me, brethren, to dwell at length on the works of him whose memory is still fresh among you. Whatever could be done by consistent piety and princely munificence, that Daniel Wilson did for his diocese. This Cathedral in which we are assembled to-day, with the missions and schools connected with it, the Additional Clergy and Church Building Societies (of which the latter has contributed to the erection of sixty-six churches) owe their origin entirely to his energy, and, in a great degree, to his unfailing liberality. Still more may we rejoice in the thought that for nearly twenty-six years this diocese enjoyed the benefit of his firm but gentle and eminently practical wisdom, his missionary zeal, and Christian goodness. *They rest from their labours and their works do follow them*; while we must unite together in the prayer and the effort that we may not be unworthy of those who have gone before us, but may do our part in carrying on the great work which they have left unfinished.’

Our quotation has brought us to the episcopate of Daniel Wilson, who was called to rule over a less extensive territory than his predecessors, for soon after his consecration, the dioceses of Madras and Bombay were created; a diminution of work however which has since been fully replaced by the annexation



to British India, and to its metropolitan see, of Burmah, Nagpore, Oudh, and the Punjab. This episcopate is memorable, not only for its length and the character of the bishop, but because the notion of an internal development of the English Church, and the maintenance of a parochial ministry by other means than Government salaries, was revived by him and actively carried out.

The first measure by which Bishop Wilson tried to give life and permanence to this movement, was the institution, in 1834, of the Church Building Fund, gathered originally by monthly subscriptions of one rupee from each contributor, since augmented by two considerable benefactions, and administered in aid of local efforts by a Board of Trustees. Partly through this agency, and partly through energetic preaching and agitation at every station which he visited, Bishop Wilson procured the erection of a great number of churches in the Mofussil, and since his time the work has not been suffered to flag, so that now it is common to find even in a place where there is but a sprinkling of Christian residents, a seemly house of prayer in which they may gather for worship. The existence of such a building has an influence on those without, as well as on those within. Christian worship makes men gentle, just, considerate, and therefore likely to behave with kindness and forbearance to the natives of the country. But it has also another good result: it increases the respect of the natives for Englishmen. One of the most eminent promoters of church building in later days was Sir Robert Montgomery, and his interest in the cause was excited in this way. In 1860, a number of Pathan chiefs from the Deraját were summoned to Sealkote to attend Lord Canning's durbar. 'What is this large building?' they enquired, as they gazed on the pointed arches and lofty spire of Trinity church. 'That is the English place of worship.' 'Place of worship!' they exclaimed, 'we did not know that the Sahibs ever worshipped at all.' It was the first station in which they had seen any outward sign of our religion. The Lieutenant Governor resolved that this reproach to Christianity should not continue. It happened that the present Bishop of Calcutta was at Sealkote on his first visitation, at the same time as the Viceroy. Sir Robert Montgomery stated his wishes to them both, and obtained their hearty concurrence in his views. He set to work, and now the Bishop, in his second visitation of the Punjab, has just consecrated nineteen new churches, (including four in the Deraját), which have resulted from that question of the wondering Pathans, while three still remain for consecration during the next episcopal journey in that part of the diocese.

But Bishop Wilson saw the necessity of providing not only churches but clergy. Up to the year 1841 there had been, with a few unimportant exceptions, only two orders of Anglican clergy in India, chaplains for ministering to Europeans, and missionaries for evangelizing the heathen. The latter of course also took pastoral charge of those natives who were brought to the knowledge of Christ, and in places where there were no chaplains, would often voluntarily perform the English services and other simple duties. But in many stations there were no missionaries or none of our communion, and as the number of non-official Europeans began to increase, their spiritual destitution weighed heavily on the chief pastor's mind. At last the thought of a remedy, which has since proved eminently successful, struck him in the garden of the Taj at Agra, the most beautiful spot in Hindustan, and was prompted perhaps by some reflection akin to Arnold's comparison between the pious prayer of a devout Christian and the glories of an Italian valley.\* The good prelate tells the story in one of his *Journal Letters*.†

'The Governor [of the N. W. Provinces] drove us last evening to the Taj. It was a brilliant moonlight. I was yet more enchanted with this miracle of art than in 1836. We lingered for an hour and a half. It was too dark to examine the interior; but whilst observing the outward magnificence of the superb, deep, religious arches thrown into relief by the glorious moon, it was impossible not to be struck with admiration; for the peculiarity is this, that, unlike all other buildings, Christian and Mahometan, as much skill and study of effect have been bestowed on the outside as on the interior; the materials, the finest alabaster, the same; the finishings of every part, the same; the inlaid jewellery and embossed flowers, the same; while instead of buttresses and projecting ornaments, you have prodigious arched doorways, retreating ten or twelve feet, twice as lofty and deep as in Peterborough Cathedral. As I was walking arm in arm with the Governor and Mr. Thomason I turned the conversation to our destitution of chaplains, and inquired whether an Additional Curates Society might not be formed for India, giving titles to youths educated at Bishop's College. This Society would have the East Indians especially in view, who colonize in large numbers in Agra, Delhi, Meerut, Futtehghurh, Cawnpore, and Allahabad, as well as Calcutta. Turn this, in your minds. It may be a glorious thing, if the Lord grant His

\* Stanley's *Life of Arnold*, p. 700.

† p. 354. See also Bateman's *Life of Bishop Wilson*, p. 376.

'benediction and grace; but the plan must be well digested and 'wisely begun.'

The date of this letter is December 3rd, 1840, and as the Bishop was not a man to let the grass grow beneath his feet, the proposed Society, under the name of the *Additional Clergy* (not *Curates*) Society, was brought into existence next year. It appointed its first clergyman in 1843, and, in 1858, the year of Bishop Wilson's death, had four on its list; the number having been slightly reduced through the check which at that season of peril hindered all good works in India. The clergy are paid by the Society, with aid from Government, and provided with parsonages by the stations to which they are appointed. Since 1858, the progress of the Society has been very rapid. The income of its clergy has been somewhat improved, and pensions of £ 100 a year secured to them at the end of their service. The number of stations for which the Society undertakes to provide pastors, has risen from four to twenty. Moreover, a considerable extension of its usefulness is now to be effected in consequence of an appeal to the shareholders of the East Indian Railway Company, who have contributed, not by a vote of the Directors, which might be of doubtful legality, but by individual subscriptions, a sum exceeding £7,000, to be invested as a perpetual endowment, of which the interest will help in maintaining clergy for the numerous European communities called into existence by the formation of the line. A similar appeal, just address to the shareholders of the Punjab and Delhi lines, will meet, we trust, with at least equal success; and we do not see why contributions of the same kind should not be cheerfully made by those interested in the Eastern Bengal Railway, and in the Assam and other Tea Companies; for the maintenance of clergymen is rightly prest upon them 'as a simple duty, just as the master of a family is bound to 'enable his servants to enjoy the ordinances of religion, and a 'master manufacturer to care for the moral condition and happiness of his workmen.' The urgent necessity of the case had been previously stated, and the way for these appeals prepared, in the *Pastoral Letter to Members of the Church of England*, issued in 1863 by the three Indian Bishops, when they met at Bombay, on the occasion of the present Metropolitan's first visitation of his Province.

We have carried our narrative beyond Bishop Wilson's death, in order to present our readers with a continuous sketch of the work carried on in connexion with the Additional Clergy Society up to the present year. We must, however, notice another effort for the benefit of Europeans successfully made in his time, by the institution, in 1852, of the Calcutta Seamen's Mission. The neglected

condition of the sailors in the port of Calcutta was brought before the public in a recent article in this *Review*, and we need not here repeat the tale. Suffice it to say that a clergyman and a catechist (the latter soon to be ordained, and both, be it observed, prepared for the ministry at Bishop's College,) are now labouring not only on shore, but also from ship to ship, and that till lately there was a floating church, with a library and reading-room attached, under their charge, through which they attained a wonderful hold on Jack, helping him and caring for him with almost fraternal kindness, persuading him for instance to write letters to wife and kinsfolk at home, and providing him with stamps and paper for the purpose. That care and kindness will, we trust, long continue, but alas! as to church, library, reading-room, and postage stamps, all were engulfed beneath the swollen Hooghly in the great cyclone of 1864. And before we leave Bishop Wilson, we must not omit to notice that his wisest and noblest attempt to form a centre and starting point for a self-supporting Church was frustrated by the perversity of the Government of the day. Nothing but that extraordinary fear of independent action, which was traditional in former Indian officials, can account for the hostility manifested to his great scheme for establishing a Dean and Chapter in connexion with his new Cathedral. Here again we will quote some words of Mr. Kaye, which, though eloquent and true, are, as usual, a little exaggerated, since the proposed endowment of the Canons was by no means rich, and which are also quite inconsistent with his carping criticism on Middleton's plans. 'The dominant idea in Bishop Wilson's mind was that of an outward manifestation of the glories of the Christian Church, speaking through its visible magnificence to the senses of the unconverted. He had visions of a noble army of Christian clergymen in association with a richly endowed Cathedral Establishment, radiating thence to the uttermost parts of the Indies, and carrying the glad tidings of salvation to places, where none before had breathed the name of Christ.\* His design was to plant round the metropolitical church of St Paul a body of Canons, partly European and partly native, incorporated by charter, endowed by funds which he had actually raised, and superintending a newly organized system of missions. Such a spontaneous effort for the maintenance and extension of Christianity, unaccompanied, as it was, by any demand on the funds of the State, would now be warmly and gratefully accepted, but then it was thought perilous to the political ascendancy of England in this country; the charter was refused;

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\* Kaye's *Christianity in India*, p. 447.

the money has been handed over to trustees for various religious purposes, and the Chapter is faintly represented by the Principal and teachers of the Cathedral Mission College, now affiliated to the University, and furnishing to more than a hundred of the native youths of Calcutta an education based on Christianity. We hail with great satisfaction, and so, as we believe, would Bishop Wilson have hailed the establishment of this College, which will, we trust, bring to this city of Calcutta the blessing which many a cathedral school has diffused over the great cities of Europe; but when the original plan was wrecked, a great opportunity was missed, hardly perhaps to return in our generation, of laying in the midst of India a broad foundation for an independent and self-supporting Church.

During the present episcopate, the need for placing Anglo-Indian education on a sound and religious basis has become so urgent, that the attention of the Church has been almost absorbed by it. Of this we treated in our former article, and need not revive the subject here. The works, however, which Bishop Wilson began, have been supported and extended; indeed, the operations of the Additional Clergy Society are now receiving, as we have seen, an important development in connexion with Railway stations. With this exception, the principal addition recently made to our directly clerical agencies has been the Calcutta Missionary Pastorate. In the lanes and alleys of this city live a number of poor Christians, of origin partly English, partly Portuguese, and partly native, speaking a strange patois, who, as far as pastoral care is concerned, to use a homely expression, slip between two stools, not reached by the chaplains who cannot speak their language, and past over by the missionaries as nominally Christian. It is needless to dwell on their ignorance and degradation; suffice it to say that a committee of the Calcutta clergy recommended the Bishop to ordain a 'Missionary Pastor' for the work of ministering among them, and that he is maintained chiefly by fixed contributions from the several churches in Calcutta. A gift of £100 from the Society for Promoting Christian Knowledge, and the proceeds of some special collections have been invested as the nucleus of an endowment.

We have now reached a point where we may usefully discuss our main question; what improvements and developments does our Church require in that branch of its operations, which concerns Europeans and East Indians, and on what principles should we proceed in making it more extensively useful? What these principles are has been implied already. Undoubtedly, a Church Establishment in India is as necessary now as it was when Wilberforce, and Buchanan, and Bishop Porteous, and the Church

Missionary Society, and, in fact, all earnest Christians in England clamoured for it. Its work must be mainly with the army, and those in the ~~enjoy~~ of Government, though of course it must extend its charge to all with whom it is naturally brought into contact. Obviously too this establishment, if it exists at all, should be an efficient one, and able thoroughly to compass the objects above indicated; but beyond this the development of the Church should proceed from within, and the aid of Government should be given only in proportion to the liberality of its members. This principle of grants-in-aid has been very successful in attracting private munificence towards the education both of natives and Europeans, and is equally calculated to encourage the Church in systematic attempts to relieve spiritual destitution. The combined action of the State and of individual churchmen, guided by the ecclesiastical authorities, will, under God's blessing, place the Anglo-Indian Church on a satisfactory basis.

First, as to the episcopal administration, we have seen that the diocese of Calcutta is absurdly and monstrously large. We do not know how the change in the Indian Secretariat at home, and the more copious infusion of liberalism into the Cabinet, may affect the Lahore bishopric; but that scheme, we hear, is not to be revived during the present session, and if it has been finally abandoned, the public and the Government should unite in devising a remedy. First, the territories of British India may be more equally distributed among the existing bishops than they are at present. A new see cannot be founded without the consent of Parliament, but by 3 and 4 Will. IV. c. 85, the Sovereign in Council may alter the limits of the dioceses already established. Let Her Majesty then at once exercise this power by transferring British Burmah to Madras, and Central India (including the Central Provinces) to Bombay. If the Straits remain under the Indian Government, they should pass with Burmah to the diocese of Madras, but we hope that all Indian dignitaries, secular and ecclesiastical, will be relieved of this anomalous jurisdiction, and that the Bishop of Labuan will be permitted to transfer his see to Singapore. But besides this, we should like to see three other measures made possible by Act of Parliament or otherwise, as lawyers at home may decide to be necessary. The first is the appointment of 'coadjutors' to the present bishops. By this phrase we do not mean *coadjutors cum jure successionis*, in which relation Bishop Courtenay of Kingston stands to the Bishop of Jamaica, but officers, like the *chorepiscopi* of ancient times, or the suffragans instituted by the still existing Statute, 26 Hen. VIII., c. 14.\* The

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\* It was repealed by 1 and 2 Phil. and Marv. c. 8, but revived by 1 Eliz.

former, τῆς χώρας ἐπίσκοποι, 'country-bishops,' were appointed, as a diocese became enlarged by the conversion of the pagans, to execute the functions of the city-bishop in the villages at a distance from his cathedral.\* The suffragans of the sixteenth century, (who must be carefully distinguished from the ordinary diocesan bishops of a province under the metropolitan, deriving their name from the votes or suffrages which they gave in his synod,) were attached as assistants or episcopal curates to the several sees, and were to perform such functions as might be assigned to them by the diocesans. It is true that the *chorepiscopi* were abolished† in the 12th century for their 'arrogance, insubordination, and injurious conduct,' and that the English suffragans for some unexplained reason soon fell into desuetude; but we trust that a better fate would attend the introduction into India of a class of assistant bishops, who might at once lay a foundation for independent self-supporting native churches, and also relieve the diocesans of part of their work. In Madras, the work of visiting and confirming the Christians of Tinnevely must occupy a considerable amount of the bishop's time, and in this diocese, though the converts are unhappily far less numerous, it would be a great gain to the native Christians if more frequent confirmations were held than is consistent with other episcopal engagements. A suffragan or *chorepiscopus* appointed for such a purpose would, we hope, be a native; which would be a step towards the formation of an indigenous church, while from his continued connexion with the diocesan bishop, there would be no separation of the Anglican communion into two parts, one European and one Asiatic. For the diocesan would still be the centre of unity to all Anglicans in his diocese, whatever be the race to which they belong, since it is the glory of the Catholic Church to acknowledge no distinction between Jew and Greek, Englishman and Hindu, Barbarian, Scythian, bond and free. Of course, no part of the coadjutor's salary would be paid by the State. We are not wandering from the subject of this article, in discussing the revival of *chorepiscopi*, although their principal work would be with the native Church, because their appointment would leave the present bishops more time for their duties among the English. But our second mode of diminishing episcopal labour would be more direct. Even if Parliament will not sanction the immediate creation of a see of Lahore, it might still permit State aid to be combined for this purpose with private munificence. The Queen might be

\* Bingham, *Antiquities*, ii, 14.

ok's *Church Dictionary*, Art. 'chorepiscopus.'

empowered to erect into a new diocese any portion of India, provided that a salary equal to the pay of a full chaplain, Rs. 800 a month, is secured to it by way of endowment, and the Government might be further authorized to double that pay and assign a house of residence to the bishop. In this way we should hope in time to secure our new see, and also to have the pleasure of contributing from our own resources towards this extension of the efficiency of our Church. Lastly, we think the State itself, without drawing at all on private bounty, should establish at once some additional archdeaconries. The expense would be trifling; the archdeacons would of course be selected from the chaplains, and Rs. 250 a month, in addition to a chaplaincy, is all the salary that each of them would require, while he might well combine with his special work the cure of a small civil station within his archdeaconry. In this way the clergy would be more frequently visited and more closely superintended; in each political division of a diocese would be placed a clergyman, selected for such qualifications as piety, eloquence, practical sagacity, theological knowledge, and power of influencing others, of recognized official position and dignity, always ready to suggest or carry out any good work, to represent ecclesiastical wants to the local Government, and to be a true *oculus episcopi* to the chief pastor. The latter would be relieved of some travelling and much planning, and a few prizes would be secured wherewith to reward the more zealous and efficient chaplains. But the mention of this last argument for our proposal opens another and a very important section of the subject.

In passing from the reform of the episcopate to the condition of the chaplains' service, we have great hesitation in speaking at all of encouraging spiritual work by the prospect of temporal advancement. This notion has been often put forward with painful prominence in ecclesiastical discussions, and especially of late in those which concern the position of Indian chaplains. To say the very least, the need of 'clerical prizes,' and hopes of preferment should be kept as much as possible in the background both of the private meditations and public utterances of the clergy; we agree in the main with a writer in one of the most promising among the many recent additions to our periodical literature, that in the case of the Christian ministry 'comparisons with other professions are always fallacious. In them skill and success are bound together, whereas the best clergymen are often those who are least likely, not seldom those who are least anxious, to move upwards or to move at all. The absence of ambition from medical men or lawyers would be a detriment to the medical and legal professions; whereas it would be a positive



advantage to the Church if there were no ambitious clergymen.\* People sometimes speak on this subject as if the service of God could be actually promoted by the service of Man, and as if by encouraging the clergy in those grasping and climbing tendencies to which human nature is everywhere liable, we could add earnestness to their sermons, and spirituality to their pastoral ministrations. It is forgotten that our missionaries set a bright example of self-sacrificing labour by working merely for food and raiment, without any hope of archdeaconries or other church dignities. It is true however that by the provision made for their children, and for themselves in sickness, they are more or less freed from certain anxieties which press heavily upon the chaplains, who can only look to their ordinary income, which is even diminished if their health gives way. Moreover the ecclesiastical service is too completely a platform, there is scarcely any opportunity of either rewarding, or even bringing forward and placing in responsible posts those members of it, who from character and attainments are fitted to advise and guide their brethren. If the institution of new archdeaconries is a good thing in itself, we accept, as an additional recommendation, its effect in breaking up by a few prominent features the dead level of the chaplaincies. We are glad to see that Government has taken a slight step in the same direction by a recent order, granting small additional allowances to a limited number of large stations to be named by the bishop. Hitherto not only has a chaplain derived no advantage from his appointment to an important cure, but his pecuniary interests positively suffer, if he is transferred from the charge of the old pensioners at Chunar to the laborious duties involved in the spiritual oversight of Meerut or Allahabad. To say nothing of the greater expenditure of physical strength, more horses must be kept, many new incidental expenses incurred, probably a higher house-rent paid, a holiday in the hills becomes more essential to health and efficiency. Henceforth we hope that a clergyman will at least not undergo a loss, if his Bishop fixes upon him as qualified to undertake a difficult and responsible cure. We shall rejoice if a few more orders are past in the same spirit, not tending to encourage ambition among the chaplains, but to throw a little life into their somewhat stiff and prosaic service, and at least to relieve them of inevitable anxiety. We would make promotion from the lower to the higher grade of the service no longer dependent on vacancies, but certain after a definite period, say ten years. For in India above all countries, a man's pecuniary difficulties increase as time advances: in ten

years his wife falls sick, furlough must be taken, children must go home; a small addition to the monthly rupees becomes all-important. Moreover, if ambition is a bad motive to place before a clergyman, it is still less desirable to suggest to him the thought that he has a personal interest in the superannuation, retirement, illness, or even death of his seniors. If he requires higher pay from the increase of wants and responsibilities, these multiply, not when his brethren get old or sick, but when years have caused a certain amount of wear and tear to himself and his family. Still more desirable would it be to remove from the younger members of the service another anxiety, so serious that it may well distract their attention from the direct duties of their ministry. A married priesthood is regarded as politically and socially advantageous, and as alone consistent with the principles of Protestantism. If so, its members must have helps to be 'without carefulness,' which are unnecessary for celibates. One such help was supplied to Indian chaplains in the days of old John Company by the Military Funds, to which they were required to subscribe, and by which they secured a decent provision for their widows and orphans. These funds were swept away by the tornado of reform which blew with such violence in the years following the mutiny, and no substitute for them has been provided. Considering the notorious improvidence with which some clergymen regard the future, the enormous cost of a life insurance in India, the admitted fact that a chaplain's salary is not more than enough to meet the multifarious expenses to which an Englishman is always liable in a tropical climate, we think that the authorities are bound to take this want into their serious consideration, unless they are prepared, as years go on, and the chaplains, appointed since the abolition of the funds, become the majority of the service, to hear of frequent appeals made to the bounty of the public in behalf of destitute widows and orphans. And as the price of living has vastly increased since the mutiny, a simple and graceful way of practically raising the chaplains' salaries would be to grant a small pension to their widows, and to pay their passage home, without exacting any subscription to funds. This boon, coupled with the most happy alteration which has lately substituted an increased retiring allowance to all for the extra pay hitherto claimed by two, would make the service attractive to many men from the universities, of high character and attainments, who are anxious to obtain early in life an independent field of ministerial usefulness. We venture to think that there would be no lack of fully qualified candidates among such men, if the Secretary of State would make the conditions

and prospects of the service thoroughly well known to the Tutors of the best colleges, and attach due weight to their recommendations.

We have still to suggest one means of improving the chaplains' position, in which the State and the voluntary principle may work hand in hand. Hardly any one will deny the advantage of providing every station with a parsonage, as is already done for those which are in connexion with the Additional Clergy Society. To the chaplain the benefit of a fixed residence in the midst of his work, rent free, or occupied at a low rent not liable to rise with rising prices, which he would receive from his predecessor without trouble, and hand over to his successor with no fear of loss, would clearly be a great temporal boon. Nor would it be a slight religious advantage to the soldiers and the poor of a station, that they should always know where to find their pastor, and regard one house with something of a church-like feeling, as a home of advice and comfort, where every member of the flock is sure of a kind reception, and may rest awhile from the turmoil of a barrack, or the heat and squalor of a Calcutta lane. Nay, possibly in such a house they might find a room set apart for quiet reading and prayer. In this city the enormous rents compel the clergy, who are unprovided with parsonages, to live in boarding houses, where, amidst the multiplicity of flats, and passages, and staircases, and the absence or somnolence of bearers and chuprassis, it must be hard for a poor man ever to reach his pastor, so that here at least the gain would be equal both to priest and people. We are happy to know that something has been done in this direction; St Peter's, the Old Church, St. Stephen's, and St James's are all provided with parsonages; a plan for building one in connexion with Trinity Church, Allahabad, is in progress; and the institution might become universal in India, if all parties would put their shoulders to the wheel, the congregation raising a sum of money as a foundation, the Government doubling it, and the chaplain paying a low rent just sufficient to meet the expense of keeping the house in repair.

We have indicated some ameliorations of the chaplains' condition, and come now to the concluding part of our subject, the development of the Anglo-Indian Church from within. But here we have at present little to suggest, except a vigorous prosecution of plans already begun or recommended. Let the Additional Clergy Society, which between 1858 and 1866 has raised its number of stations from 4 to 20, increase them from 20 to 40 between 1866 and 1874. Let the shareholders in all the Indian ~~lairs~~ <sup>lairs</sup>, and in the great tea companies and other agricultural

or commercial enterprises, make provision for the pastoral care of their servants at least as liberal as that which has resulted from the appeal to those connected with the East India line. Let the Church by her own inherent power, thankfully accepting, but not waiting for the aid of the State, penetrate amidst the planters of Assam and into every other neglected corner of India, leaving none of her children without the comfort of the Word and Sacraments. If Parliament authorizes the application of the system of grants-in-aid to bishoprics, the zeal of the Punjab will surely soon fix one at Lahore. For the sum which built and decorated All Saints' Church in Margaret Street, (which is by no means a solitary example of the results of individual munificence) a bishopric might be placed there and in Burmah also. Let the other religious undertakings, which we have ventured to indicate, be actively carried out. Reverting to the subject of our former article, we trust that a foundation will be laid for intelligent churchmanship by the strengthening and multiplication of Christian schools. Moreover in every important station the educated members of the congregation of both sexes should unite in maintaining and teaching a Sunday School, as they do, for example, at Meerut, Allahabad, Simla, and in many districts of Calcutta. We will not now do more than hint at further and more distant aspirations; such as the restoration, according to Scriptural precept and primitive custom, of deaconesses, or religious communities of women, duly organized in direct connexion with the Church, 'delivered only,' as Arnold proposed, 'from the snare and sin of perpetual vows,'\* who should nurse in hospitals, teach in schools, reclaim the fallen, and comfort the penitent, an institution which is commending itself more and more to men of widely different views and characters, to all who, perceiving that the Church of Rome derives its chief strength from the practical efficiency of its system, and the completeness of its charitable agencies, desire that the same advantages should be secured to ourselves. We can never see why the Roman alone, among the communions of Western Christendom, should possess them, or that there is any exclusive connexion between the Beguinages of Ghent and Bruges and the Immaculate Conception of the Virgin. If there were, there might be some reason for suspecting that the Immaculate Conception is not 'a monstrous invention, but a sober Christian truth. Happily however the examples of Kaiserswerth and Reichen and many houses of mercy now rising both in England and on the continent, prove that the spirit of Protestantism is not alien

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\* Arnold, *Christian Life, its Course, Hindrances, and Helps*, p. 121.

to the ministry of women in works of benevolence. But we forbear from entering at the close of our essay on a subject so wide, so exposed to prejudice, and yet so fruitful of edification. Still less are we disposed to end by a discussion, with which some devoted members of the Anglican Church would doubtless have desired us to begin, on the institution of a Diocesan Synod. All that we have just said about the need of a better organization for the Church of England, will shew that we are not disposed to underrate the importance of this subject; and we should rejoice, were it possible to bring together bishop, clergy, and laity in friendly deliberation, armed with sufficient power to legislate for the welfare and extension of the Church. But passing over any legal questions which might arise through the Acts of Parliament under which the Indian sees were founded, and the immediate connexion of a large and important section of the clergy with Government, we consider that for the present at least the convocation of a Synod of the Diocese of Calcutta, except in the gravest emergency, is quite impracticable. The members of the Council of Nicæa were scarcely brought together from a larger extent of country, or under greater difficulties of transit, than would attend an assembly in the Cathedral of Calcutta of deputies from Tonghoo and the Derajât, from Indore and Gowhatti, from the Andamans, and Cachar, and Bhopal. Still more serious perplexities would arise if the Metropolitan were to summon a Provincial Synod, and add to the above representatives of the Church, members from Sind and Travancore, from Guzerat and the Nizam's dominions, from Jaffna and Trincomalee and Kandy. We are convinced that there is no present necessity calling for even the milder of these measures, and that no practical benefit would result from it commensurate with the enormous trouble, expense, waste of time, and suspension of direct duties which would attend such a convocation. What may be needful when, in God's good time, large congregations of native members of our Church are gathered together in all parts of India, Burmah, and Ceylon, and craving for the adaptation of our Anglican rules and formularies to their various wants and local customs, is a different question, for which, as we believe, His Providence will suggest a solution when it arises. Meantime the present and urgent duty of our Church in India of clergy and laity alike, is to rise to a due appreciation of the great opportunities, and with increased zeal and faithfulness to execute our divine mission of holding up the weak, the sick, binding up the broken, bringing again the

and seeking the lost.  
 leads to the final enquiry, whether we who belong  
 are already adequately fulfilling the simplest of

all our duties, that of contributing according to our power to these Christian ends. Invidious contrasts are sometimes drawn between dissenting communities who support their own pastors and ourselves, whom the State to a great extent relieves of that responsibility. And the example of the Free Kirk of Scotland is quoted against us, which, on the occasion of its disruption from the Establishment, founded without difficulty its separate communion, with churches, manse, a theological college, and extensive foreign missions. But perhaps it is scarcely fair to compare an effort resulting from a burst of enthusiasm on a question, which touched to the quick the most cherished convictions of half a nation, with the ordinary unexcited efforts of a settled community. In our favour may be alleged such facts as these. We believe that up to this present year 1866, when a Presbyterian minister has been sent to the Scotch tea-planters in Cachar, no religious body, except the Church of England, has attempted to grapple with the spiritual destitution of those Europeans and Eurasians who are beyond the reach of the Government chaplains. Doubtless many English services are held, and many chapels have been built by non-conformists. This is especially the case in Calcutta, where the members of the Free Kirk for instance, have their regular pastor, with a salary equal to that of a junior chaplain, a church, and (therein setting a good example to Anglican congregations) a manse. But non-conformist ministers, (at least in the Mofussil) have come to India as missionaries: as a rule, evangelistic work is their first duty, they establish themselves in a station with the design of converting the heathen in the adjoining city, and undertake English preaching as an appendage to this. We are very far from depreciating their labours, but they cannot be accepted as a substitute for a regular organization expressly devoted to the benefit of our scattered European communities. Now the Church of England, besides the many English services performed by its missionaries, as by those of other religious bodies, in stations not otherwise cared for, maintains or is ready to maintain immediately, over and above its 90 chaplains, 25 clergymen for the express purpose of ministering to Europeans, viz., 20 on the regular staff of the Additional Clergy Society, two on the new Railway fund, one missionary pastor in Calcutta, and two seamen's chaplains: and measures for increasing the number are in active progress. Moreover, the Additional Clergy Society in the twenty-five years of its existence, besides spending a considerable annual income, has accumulated for general or special endowments, pensions, and a reserve to be used in times of depression, the sum of Rs. 2,31,000; the Church Building Trust has

invested more than half a lakh of rupees, and there are smaller endowments appropriated to less important purposes. The educational funds, raised and invested during the last seven years, make a considerable addition to the property available for carrying on the work of the Church of England, while the Bishop's College and the Free School remain as monuments of earlier days. We see too that the present Bishop shews some confidence in the liberality of his flock, since he asks them without any apparent misgiving to raise Rs. 1,25,000 for his hill schools during the three years ending in July, 1868. Again, when we are estimating the benevolence and self-sustaining power of the Church, we must take into account its contributions to missionary operations and to the relief of the poor. With regard to the former we find that in this Diocese there are 39 stations, at which missions, more or less extensive, are carried on by the two great Societies of the Church of England, the local expenses being met entirely by local efforts, the salaries of the missionaries (98 in number) by grants from the Societies at home, assisted by the money raised throughout the Diocese for their general objects, especially during the Epiphany season, when it is customary for the clergy (in obedience to several pastoral letters issued by the present Bishop), to bring practically before their congregations the subject of Christ's Manifestation to the Gentiles, by exhorting them to liberality in the mission cause. To these annual efforts we must add several permanent endowments invested for missionary purposes, of which the Native Pastorate Fund, which originated in the North-Western Provinces as a memorial to Bishop Wilson, has a capital of nearly Rs. 40,000. As to the latter object of Christian beneficence, the sacramental alms and charitable funds of the various Anglican churches in this Presidency, furnish, in the absence of a poor law, the chief means of relieving the European vagrants, who are constantly increasing in number, of whom many, no doubt, are undeserving, but some are real objects of compassion, while none can possibly be left to starve. In Calcutta the District Charitable Society, with its House of Industry, Leper Asylum, and extensive apparatus for relieving poverty, both among Europeans and natives, depends for a considerable portion of its income on monthly collections gathered by the chaplains, so that if the church of the metropolis is relieved to a great extent from the maintenance of its clergy, it contributes very largely to the maintenance of the poor from all parts of India, who naturally crowd down to Calcutta, in search of relief or transport home. The chaplains of the Cathedral and of St. John's carry on a laudable practice, which should be followed by all the clergy of the diocese, of printing

an annual statement of the offertories in their churches. From the reports of 1865 it seems that the whole Cathedral offertory for that year (including gatherings for the District Charitable Society and for other religious and charitable objects) amounted to Rs. 6,152, and that of St. John's to Rs. 10,986. On this comparison we will only remark that as the younger church has robbed the elder of its episcopal and metropolitan dignity, so by also outdoing it in almsgiving, it should vindicate its claim to be *omnium ecclesiarum quæ in Indiâ sunt mater ac princeps*. We may at the same time remind our readers, that those sums only represent the charity given through collections actually made in church, and are, therefore, no measure of the amount gathered by subscription-books, or in answer to appeals printed or written, or of spontaneous benevolence.

We do not, therefore, admit that the Anglican Church in India has been deadened and incapacitated from internal expansion by the support which it receives from the State, or that its charities, compared with those of other bodies, are niggardly and backward. No doubt, if this were the case, the scandal would be very great, considering the wealth and position of its members, the efficient basis which its establishment provides for its operations, and the liberal education which, as a rule, its clergy receive. It is but faint praise to say of such a Church that in almsgiving it is not surpassed by its neighbours, for plainly it ought very greatly to surpass them. Now whatever may be pleaded as to our comparative merits in reference to this great test of Christian faith, we can hardly say that positively we are doing as much as we ought to do, or that a true sense of the imperative character of this duty is sufficiently diffused among us. The principle of *systematic* beneficence, that is, of giving regularly in proportion to our income, not spasmodically when a subscription list or offertory plate is put before us, should be more preached and practised than it is. The clergy should preach it, not only in their sermons, but by interesting their congregations in the work of the Church, by publishing (as we have seen that some wisely do) reports of the amount and application of offertory collections, by circulating accounts of Christian institutions projected or established. And the people should accustom themselves to practise it, by remembering that the regular appropriation of a definite portion of income to charitable purposes has unquestionably divine sanction. When the Israelites were settled in the promised land under a regular government, each was required to pay one-tenth of his income for the support of an order of clergy in all parts of the country, the due maintenance of religious solemnities, and the work of charity among the people.



It is true, that we English, settled in India nineteen after Christ's coming, are not bound by the legislation by which Palestine was governed a thousand years before He came, but only because that legislation is superseded by the free, large-hearted spirit of Christian munificence, which teaches us that

‘High heaven disdains the lore  
‘Of nicely calculated less and more,’

and certainly should strike our consciences with shame, if we do not raise our conduct to even a Jewish standard of duty. It would be well if every man of £5,000 a year would ask himself whether he gives £500 a year to religious and benevolent objects, the man of £500 a year whether he gives £50, the man of £50 a year whether he gives £5. Not that even if they do, they are fulfilling all that may be expected of them as members of the Christian Church. Neither by establishing new ecclesiastical dignities, nor by circulating subscription lists, shall we build up in India that magnificent institution, the City set upon a hill, the true centre of beneficence, and zeal, and fervent piety, and heavenly charity, of which the foundation was laid by Christ, and which we must endeavour to build up and strengthen and adorn in the midst of this heathenland. St. Paul would not permit its members to estimate their devotion or their churchmanship in rupees, annas, and pice. Personal service in the work of doing good cannot be commuted for a money payment, unless a man be actually incapacitated from such service. If the Church of England is to fulfil its mission in India, clergy and laity must unite together, like the officers and soldiers of a great army, in contending against the evils which they see around them. The clergy by their services, their preaching, their pastoral labours, their faithful and frequent administration of the Sacraments, their thoughtfulness in inventing and zeal in executing new schemes for extending the influence of the Gospel; the laity by their readiness to help, to give, to work according to their strength and leisure; both, by the bright example of pure and Christian lives, must shew that they appreciate the force of their Lord's declaration, that His disciples are the light of the world. By such activity (to quote from an eloquent sketch of Christ's character and work which has emerged from our recent controversies,) the Church of England would display itself as ‘an ardent and hopeful association of men, who had united for the purpose of contending against disease and distress, diminishing every contrivance of kindly sympathy, the rudeness, coarseness, ignorance, and imprudence of the poor, and the

wealth and hardness of the rich, for the purpose of securing  
 'to all that moderate happiness which gives leisure to virtue,  
 'and that moderate occupation which removes the temptations  
 'to vice, for the purpose of providing a large and wise education  
 'for the young; lastly, for the purpose of handing on the tradition  
 'of Christ's life, death, and resurrection, maintaining the enthu-  
 'siasm of humanity in all the baptized, and preserving, in oppo-  
 'sition to all temptations to superstition or fanaticism, the filial  
 'freedom of their worship of God.\* And such a view of the  
 Church's pastoral work among Christians or nominal Christians  
 in India, stands in the closest possible connexion with its duties  
 to the heathen. The one passes directly into the other, for by such  
 an exhibition of the law of Christian love we shall persuade  
 many who now misconceive it, or are ignorant of it, to place  
 themselves under its guidance. This was what Arnold felt in  
 advising his pupil, Henry Fox, on the duties of that missionary  
 career to which his life was afterwards sacrificed. 'Whether you  
 'go to India,' he wrote, 'or to any other foreign country, the first  
 'and great point, I think, is to turn your thoughts to the edifica-  
 'tion of the Church already in existence, that is, the Christian or  
 'English societies as distinct from the Hindus. Unless the English  
 'and East Indians can be brought into a good state, how can you  
 'get on with the Hindus? . . . [Purified Christian Churches] must  
 'be the nucleus to which individuals from the natives will con-  
 'tinually join themselves more and more, as these become more  
 'numerous and respectable. . . . Remember how in every  
 'place, Paul made the *εὐσεβείς* the foundation of his Church,  
 'and then the idolatrous heathens gathered round these in  
 'more or less numbers.† Arnold may in this passage have  
 underrated the effect of the difference in language, which prevents  
 English and Hindustani Christians from often gathering together  
 in the same congregation: but his principle is thoroughly  
 sound, for the lives of Christian Englishmen furnish the most  
 effectual preaching of the Gospel to the heathen. We believe  
 that if every Englishman, who feels his Christianity and his  
 churehmanship to be realities, will devote himself with the true  
 'enthusiasm of humanity' to the 'edification of the Church  
 already in existence,' our plans for the extension of pastoral work  
 among Europeans must soon be followed by a call for its develop-  
 ment among natives; for the Hindus, as they marvel at the  
 blessings of charity, and goodwill, and righteousness, which are

\* *Ecce Homo*, p. 226.

† *Stanley's Life of Arnold*, p. 511, cf p. 602.

gradually diffused more and more richly among them, amidst the darkness of the *Kali Yuga* the dark golden age, and will hasten to rejoice in the beams of the Sun of Righteousness.

ART. V.—1. *The Reports of the Revenue Settlements, North-West Provinces.*

- 2. *Thomason's Despatches.*
- 3. *The Directions for Revenue Officers.*
- 4. *The Oude Blue Books.*
- 5. *The writings of Henry St. George Tucker.*
- 6. *Memorandum on Talookdaree Settlements by the late Henry S. Boulderson, B. C. S.*

THE exigencies of the times seem to require that we should enter at some length into the revenue arrangements, past and present, which have been made by the British Government for the exclusion or the maintenance, as the case might be, of the more influential class of landlords, who are known in the West as feudal barons, and in the East as talookdars.

The word correctly written is Ta'alluka, and is derived from the Arabic word 'aluk', a leech, and even as this animal remains suspended to the body to which it attaches itself, so the word 'aluk is used in the sense of hanging or adhering. Hence ta'alluka technically signifies relation, dependence, possession, &c. In this view the nomenclature of the Lower Provinces and of the old regulations, is the more correct where the ta'alluka is the smaller, the zamindarry the larger property. In Upper India the reverse is the case; the ta'alluka is the larger property to which the smaller zamindarries have become attached, or have adhered.

Returning now to the ordinary way of writing the word talookdar, it is not evident when this term came into ordinary use. It is not to be found in the *Ayn-i-akberi*, and it might, therefore, be assumed that it was unknown to the revenue system of the great Akber, but of this there is ample proof that the title and tenure existed long before the British rule. They are mentioned by Mr. Thomason as having existed in 1677 A. D.; we have seen them mentioned in a deed of the year 1642 under the seal of the emperor Shahjehan; and they are, therefore, undoubtedly part and parcel of the inheritance, which we at different times acquired from the various native dynasties which we replaced. Moreover, the title of *Rajah* and the tenure of *Raj*, (which, though not exactly synonymous are somewhat analogous to the terms talookdar

and talooka, the talookas possessing many of the features of the raj )are as old as the Shasters. ~~much~~ It is recorded of this tenure of raj that the property descends intact to the next male heir on the primogeniture system. Rajahs and talookdars therefore having existed long before our rule, they were a part of the system which we took over from our predecessors, and as it has always been our professed system to carry on native revenue institutions as we found them, it would *prima facie* appear that these men were as much entitled to our consideration and protection, as any others that we found to be connected with the soil.

Talookas have appropriately been divided into two classes, the *pure* and the *impure*, and we shall now show how these had their origin.

It is asserted that at a particular period of the world's history, probably about the time of Abraham, Upper India was peopled by Rajpoots. At a subsequent period these people had to give way to other sects, Brahmins, Buddhists, &c., and then for a term of years they disappeared altogether, either sinking into social insignificance and mingling with the aborigines, or migrating to other parts of Hindostan, where their superiority was still recognized. But in process of time the Rajpoots again became powerful, and once more overwhelmed the then inhabitants by their incursions under different leaders, and in the middle of the twelfth century, the Rajpoot Kings or Rajahs of Canouj had full sway over these provinces. To these invasions of the Rajpoots, Mr. Thomason traces the foundation of the existing proprietary right in land. The descendants of each chief, he tells us, multiplied till at length in some instances they displaced all other occupants of the land, or at least assumed all the proprietary privileges. The members, he adds, were numerous, and each territorial subdivision is marked by the prevalence of its own stock. These all trace their origin to a single person who first conquered the country.

Those whom we now call the *pure* talookdars, are the chiefs descended from the leaders above referred to. They may be the legal successors in the direct line of the original settler, or they may be sprung from a junior branch raised to power by favour, ability, or the voice of the tribe; but of this there can be no doubt, that these feudal lords, whom we found in possession, are the hereditary chiefs of important tribes, whose position in the eyes of the people had become hallowed by the memories of an extreme and not inglorious antiquity. Whenever, then, we meet with a dominant clan of Rajpoots, with one or more acknowledged chiefs at its head, we may rest assured that these

ve one or more estates which had their origin in a *pure*  
*bona*.

But instances will also be found, and these not of rare occurrence, where large properties have been formed at a more recent period through the influence of official position, or by favour of the ruling power. Such estates have been designated *impure* talookas, and they are to be recognized by the general absence of clansmen, and by the traceability of the origin of the tenure. Even such talookas as these, however, will also be found to be surrounded by the reverence due to the prescription of ages.

It was at the commencement of the present century, that our revenue officers were first brought into contact with the tenures of which we now write, and we are fortunate in having the reports of Mr. John Thornton, 'a revenue officer of distinguished ability and discernment,' to enlighten us as to what was done in a district where 'the talookdary tenure' was known to 'prevail to a large extent,' under our former revenue system.

At the commencement of our rule of the Allygurh district, in the year 1803 A. D., we there found established a large tribe of Jats, whom Sir H. Elliot considered akin to Rajpoots, presided over by a chief, Rajah Bugwunt Sing of Moorsan. This man was seventh in descent from one Mukhun Sing, who had come and settled there about the year 1600 A. D., marrying into a local family. The third in descent from this Mukhun Sing was one Nundram, who ruled from A. D. 1658 to 1695, and who also held an office of importance under the native Government. But it was only in the reign of this man's grandson, Kosal Sing, fifth in descent from Mukhun Sing, that the property got finally consolidated. The said Kosal died in A. D. 1749, and was succeeded by his son Phope Sing, who acquired, or assumed, the title of Rajah. His reign suffered many vicissitudes, but he eventually left to his son, Rajah Bhugwunt Sing, in A. D. 1768, rather more land than he had inherited fifty years before. Five years after this man's death, the district came under British sway.

The Rajah of the day was then permitted to engage for the revenue of his entire estate, being recorded by the then collector, who was 'guided by the documents produced by the Rajah', as zamindar of some portions of the pergunnah, talookdar of other portions, and moostajir of others. After five years, 'an *istumraree* lease was granted him for his own life at a juma of Rs 80,000 'for the whole estate, exclusive of talookas, souk, and mudun 'which were ganted to him in jageer for good service performed 'in Lord Lake's campaign.' It is not however very easy to divine what this could have meant, for *istumraree* means

perpetual, and yet a *life* tenure only is mentioned. During that life no claims by village occupants were listened to. When the Rajah died about the year A. D. 1824, such claims were freely taken up, and 'all those who considered themselves to possess rights, as being descendants of those who were the original zamindars, previous to the annexation of their respective villages to the pergunnah, as well as some who only rested their claims on long residence and management,' were, according to Mr. Thornton, 'permitted to engage for their respective villages with the title of Moquddums'. And moreover, 'as Government had directed that the possession of the Rajah should be restricted to the collection of a fixed sum from every village, those mehals in which no claimant had come forward, were left in the hands of the moostajirs (farmers) of the preceding year, or committed to other individuals on the same tenure.'

So that it would appear that, although, as Mr. Thornton puts it, 'the principle laid down by our own Government of maintaining any arrangement which was found in force at the time of the cession or conquest' was the rule which we prescribed, the rule that we followed on the death of the Rajah, who held an *istumraree* lease, and who had rendered great services to Lord Lake, was at once to deprive his son of entire possession, and to allow him 'the title of Suddur Malgoozar, together with 15 per cent. as malikana on the juma payable by the village malgoozars'.\*

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\* How much more just was the rule, contained in Section 12, Regulation II of 1795, on our assuming charge of the province of Benares.

The Rajah having declined to consent to the restoration of the numerous class of village zamindars, who had been dispossessed and reduced to the situation of cultivating ryots by his ancestors, they were excluded from settlement, if they had been dispossessed before the introduction of our rule in July 1775. The Rajah afterwards relinquished his objection, (See Regulation I. 1795) but 'the rule followed in disposing of rights under Section 16, Regulation II of 1795, was to confirm or admit those zamindars who were in the actual occupancy, or who had been known at any time to have possession since 1775, leaving those who might think themselves entitled to reinstatement under this rule, to seek redress in the civil courts.'

The fairness of this rule is obvious, for it left the onus of proving the right with the party out of possession, but in our subsequent procedure in the Moorsau and other estates we actually dispossessed the talookdar, and threw the onus on him of proving a right which he had exercised for generations.

The reason assigned for prohibiting the civil courts from taking cognizance of claims in cases of dispossession before July 1775 was, that the zamindari rights had been resumed by the preceding native Government, and not having in view the claims of individuals against each other' (see Clause 3, Sec. 26, Reg. XXII of 1795) Harington's Analysis, vol. II page 280.

will thus be seen that in 1824, twenty-one years after our rule had been introduced, we reduced the talookdar to helplessness by transferring without the semblance of enquiry, not only the possession of those villages which had been claimed by persons, who, in the words of Mr. Thornton, 'considered themselves to possess rights,' but also all those villages in which no persons whatever came forward to claim under any such supposititious considerations.

Things went on after this manner, until the settlement under Regulation VII of 1822 was effected, and this was entrusted to the able officer whom we have named. We cannot precisely say when he commenced operations on Talooka Moorsan, but his completion report is dated December 1834, and supposing that the settlement of the estate took a year to be effected, it will follow that when Mr. Thornton commenced his investigations and labours, the Rajah had been nearly ten years out of possession of his villages, that possession having been transferred by us in A. D. 1824 to the farmers, whether they were claimants of intermediate rights or not. It will be admitted that after recognizing the father as sole proprietor for twenty-one years, we adopted a strong measure in depriving the son, without enquiry, of possession; and having kept the latter for ten years out of that possession which we had in the meantime transferred to his opponents, we next proceeded to ascertain whether, in the case of each and every village in the estate, there existed two rights, a superior (the Rajah's), and an inferior (the former zamindar's), or whether there existed a single right only, that of the Rajah as hereditary proprietor.

We may mention at this stage that, according to Mr. Thornton, when Rajah Bugwunt Sing, who had the perpetual lease, died in the year 1824, the different villages which composed his estate were found to have been incorporated into that estate at different intervals, ranging from 30 to 140 years previously; and there is nothing in the report before us to show that the important element of *time* was at all taken into consideration in the procedure then adopted. The shortest period that any single village had been in the estate at the outset of British rule, was 9, the longest 116 years, and yet no distinction seems to have been made, no discrimination was exercised, all were treated alike. It is true that in the year 1805 A. D., a law was passed that claims to set aside transfers, carried out by force or fraud, might be heard any time within 60 years, but there is nothing in the settlement report to show that force or fraud were ever urged in any of these cases; while transactions that are admitted to have held good for 140 years, were,



on the death of Rajah Bhugwunt Sing in 1824, summarily set aside without enquiry.

Next, as to the search for the double right, under Regulation VII of 1822, to which we have alluded, and which, as we have shown, was made ten years after the Rajah was set aside, the intermediate holders having previously been twenty-one years, at the very least, out of possession. Let us see how this search was carried out. 'After the fullest and most patient investigation I have found that in about two-thirds of the pergunnah, the descendants of the original zamindars, who held the villages before they came under the Rajah's authority, are still forthcoming, and that neither by their own act, nor by the will of the former Government have they forfeited their right of managing their respective estates, as long as they shall pay the revenue demanded from them.'

The estates of these men, it will be remembered, were absorbed from 9 to 116 years before our rule, and there is nothing in Mr. Thornton's report to show that any one of them was in possession of the management of his village till he was restored by us, twenty-one years after our rule began.

Referring to the assertion that 'neither by their own act nor by the will of the former Government' had these persons forfeited the right of management, it is to be observed that Mr. Thornton records that the Rajah raised the plea that the ancestors of these persons had sold that right to his father 'in return for his discharging some arrears of revenue due to the Government of the time'; but, he adds, 'it appeared on examination that these transactions were rather between the Aumils and Bhugwunt Sing, than between the Rajah and the zamindars, or at all events that the inconsiderable number of the latter, who were present at the time, contemplated nothing more than the annexation of their villages to the pergunnah, and the consequent transfer of their future payments from the Aumil to the Rajah.\*' In other words, this is saying neither more nor less than that every sale of land that has taken place in Upper India for arrears of revenue during our rule is invalid, because it was not done under the seal and sanction of the highest authority in the realm, since the order of an

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\* We cannot refrain from quoting here some passages from the writings of Mr. H. St. G. Tucker, the repeated Chairman of the Court of Directors.

'The talookdars and zamindars of the Doab are, I believe, the growth of ages; and both Jats, Goojurs and other Hindoos have been maintained in their possessions, although in the immediate neighbourhood of the principal seat of the Mahomedan Government.'

Aumil, or the Governor of a province, such, for instance, as Mr. Drummond or Mr. McLeod in a matter of the kind, is of non-effect. We may mention, however, *en passant*, that in more recent years, our Government has taken a different view of the powers of Aumils of the former native dynasties, and has, in fact, given to the grants and acts of such officials a very appreciable recognition.

It is quite evident from Mr. Thornton's report, that the parties, of whom we write, had been deprived of their right of management under the written orders of the superior officers of the native Government at periods ranging from 9 to 116 years before our rule, and that the Rajah had acquired

'The talookdars and zamindars of the Western Provinces are recognized by the Regulations of 1803 and 1805, as the parties with whom a settlement of the land revenue shall be concluded. In setting aside the hereditary landholders, we break through the usage of the country, disregard the claims of possession, depart from our engagement, and contravene laws which bear the sanction of the British Legislature.'

'The way to conciliate them, (the ryots) or to improve their condition, is not, I think, by dissolving the connection between them and the superior talookdars, or village zamindars. The one we have, I fear, entirely displaced; but we cannot destroy the memory of their past, or the consciousness of their present state. They were once prosperous; and they and their descendants must feel that they are no longer so. They are silent; because the natives of India are accustomed to endure and to submit to the will of their rulers; but if an enemy appear on our Western frontier, or if an insurrection unhappily take place, we shall find these talookdars, I apprehend, in the adverse ranks, and their ryots and retainers ranged under the same standard.'

(N. B. How painfully true these prophetic words proved in the rebellion, has already been publicly declared by Lord Canning, when he substituted the talookdars for the village settlement in Oude; it only remains for the the onward progress of the Russians to fulfil the remainder of the prophecy.)

'The talookdars and zamindars of the Doab are the mere creatures of imagination. We may call them *middle-men* and *contractors*, if we wish to degrade them by odious associations; but they are the *hereditary gentry of the country*.'

'I do not argue in favour of the sudden creation of a landed aristocracy, but I would not destroy it where it is found to exist; and even where it does not exist, I would allow it to take root and spring up, as it naturally will do under the influence of laws which protect property and encourage industry.'

'Some of the principal talookdars have been set aside and deprived of the management of their estates, and the great object seems to have been to introduce the system of revenue administration which obtains in the territory of Fort St. George.' 'I am satisfied that a zamindar or talookdar is a less objectionable *middle-man* than a Tehseeldar or Aumil. The one has an interest in protecting and assisting the peasant—the other seldom has any fellow-feeling with him. The ryot can complain against the zamindar—against the tehseeldar he dare not.'

these rights by the payment of a valuable *viz.* the balance of revenue due to Government. The most recent of these transactions was of 30 years standing, before we interfered in the year 1824, in behalf of those who had been all that long time out of possession of the right of management; and, whereas we have the authority of Phillipps for saying that 'if an instrument of any kind is more than 30 years old, it may be admitted in evidence without any proof of its execution, such instrument being said to prove itself; provided it has been so acted on as to afford a reasonable presumption that it was honestly and fairly obtained,' it does not appear reasonable that these documents, which were not even refuted, and which had been 'so acted on' for 30 years at the very least, should have been thus summarily set aside without enquiry.

The Moorsan estate, when settled, consisted of over 300 villages. In one-third of these, the Rajah was declared to be the sole zamindar, and of the gross rental he was allowed to retain 12 per cent. for expenses of management, and 18 per cent. as *proprietary profit*, being 30 per cent. in all: the remaining 70 per cent. went to Government. In the other two-thirds, the Rajah was recorded as 'hereditary talookdar;' the moquddums (thenceforth called biswahdars) were allowed to remain in management receiving 12 per cent. for expenses, and 3 per cent. as representing their right; the Rajah received 18 per cent.; and 38 per cent. of the rental being thus intercepted, the remaining 62 per cent. went to Government.

In the one class of villages, it will be seen that the settlement officer left the Rajah the management, *plus* 18 per cent. as 'proprietary profit;' in the other class, the Rajah lost the management, which was conferred on others, but retained the 18 per cent. 'as in his own villages.' It is nowhere recorded by the settlement officer that he retained this as *proprietary profit*, nor is it distinctly set forth that he received it as *malikana*, *i. e.*, compensation for loss of management. Nor was a time specially fixed for the continuance of these arrangements, the duration of the settlement generally, *viz.* 30 years, being no doubt had in view by all concerned. It remained for future consideration, whether the 18 per cent. given to the Rajah in those villages in which he was simply recorded as 'hereditary talookdar,' was to be a *hereditary* proprietary allowance or not, and to the consideration of this subject we shall presently revert: but let us first briefly repeat that the result of the settlement officer's proceedings was to leave the Rajah in

cession of the management of one-third of his estate, and of the rental of that portion; and of 18 per cent. of the gross rental of the other two-thirds as *malikana*, i. e., compensation for perpetual loss of management, and also for the loss of all share in any future enhancement that might accrue from good government or other similar cause.

We have no means of knowing the precise orders that were passed on these proposals of the settlement officer, but we do know that Talook Moorsan became the leading case in the disposal of all other talooka settlements in the North-West; and we further know that they gave rise to differences of opinion and correspondence, to which we shall now allude.

In the year 1843, discussions arose amongst the members of the Sudder Board, Agra, on the subject of these talookdaree tenures; and on the 17th January 1844, Mr. Thomason issued his memorable instructions on the Board's reference. Having stated that conflicting opinions and procedure, and consequent uncertainty of title, had produced deterioration of property, the Lieutenant Governor pointed out that talookas were mahals of the nature contemplated in Section 10, Clause I, Regulation VII of 1822, where 'several parties possess separate heritable and transferable properties in parcels of land, or in produce or rent thereof, such properties consisting of interests of different kinds'. He also pointed out 'that the right of the talookdar was supervenient' to the rights of the biswahdars, zamindars, or communities, and was 'originally created by patent. But it has in many cases overborne and entirely obliterated the right of the subordinate proprietors.' The question he remarked for disposal judicially (by the settlement officer) on its merits in each case is, whether a village is exclusively the property of the talookdar, or whether other parties 'possess in it heritable and transferable properties,' independent of the will of the talookdar.

Before proceeding further, we must here observe that the above summary of the Lieutenant Governor's observations contain two statements, upon which the entire question hinges of the propriety, or otherwise, of his procedure in regard to this class of cases.

In the *first* place, in pure talookas, held by the chiefs of clans, the rights of such chiefs did not 'supervene.' As shown by Mr. Thomason himself, in the former Rajpoot incursions a great leader settled in a *pergunnah* or *tuppa*, and drove out the aborigines, (the Bhurs, &c.) who, according to the same authority, have no rights of property now left. These *tuppa* or *pergunnah* sub-divisions were, in those days, mostly jungle. This is

established by the fact, that in one of the eminently talookdaree districts in Upper India, situated near that in which Mr. Thomason gained his experience, the area of which is nearly fifteen lakhs of acres, the cultivated area since Akber's time has increased about 175 per cent.; that is, it has nearly trebled. The ancestors of many of these talookdars replaced the sparse aborigines, felled the jungle, and their clansmen and followers peopled the waste. The descendants of these followers, who were, it will thus be seen, settled by the former chieftain, ~~are~~ the people whom our then policy accepted, first as farmers, next as biswahdars or ex-proprietors, and eventually as hereditary zamindars or proprietors, and whose rights are thus loosely affirmed to be older than those of the hereditary chiefs themselves. It was surely their rights, and not those of the said chiefs, which *super-vened*.

In the *second* place, the Lieutenant Governor fixes the point for judicial enquiry to be, whether other parties than the talookdar '*possess* heritable and transferable properties;' and yet, three lines further on in the same despatch, occurs this sentence,—'The full exercise of the proprietary right may have '*been in long abeyance*, and the right only maintained in existence by certain recognized and very sufficient indications.'

On reading these two quotations, the difficulty at once presents itself, how can it be possible to be in the *possession* of a heritable and transferable property, when the full exercise of the proprietary right had long been in *abeyance*.

The explanation of this, however, is simple. It is a well established custom in Upper India that when proprietary rights in a village are transferred, a field or two is left with the old proprietor, as part, implied or expressed, of the transaction; it may be at a low rent, or it may be for a time, or for ever, rent-free for his support. Such fields constituted what is called the dispossessed proprietor's *seer*. The possession of this *seer* was one of the '*certain recognized and very sufficient indications*' alluded to above, as maintaining, the existence of proprietary right. Other similar *indications* were groves that had been planted, wells that had been dug, temples that had been built, by the ancestors of those whose rights had been kept alive by the existence of these antiquities. But there is a certain fallacy that underlies all this. There is nothing about these '*indications*' to show, that the proprietary right had not been intermediately transferred, either by the legal act of the owner, or by the incontestable order of a competent authority: and, moreover, a lease-holder, a sub-proprietor, or a cultivator could dig a well, or plant a grove, or build a temple, just as easily as

proprietor could, and therefore to profess implicit belief in as these, as indicating or establishing former proprietors, to avow a willingness to accept testimony of the most slender description.

Lastly, granting that *seer* is only to be found in the possession of the former proprietors, and that there can therefore be no doubt, where this is found, as to former ownership, still the question of *transfer* is not answered by that fact. Moreover, the possession of *one thing* within the period of limitation, cannot keep alive a right to *another thing*, the possession of which has never been enjoyed within the said period. If the former zamindars were found to have long had possession of certain fields on favourable terms, they had a full and legal right to the continuance of those terms in perpetuity; but the bare fact of their having possession of these fields was no ground for transferring to them the right, which they had long lost, to manage the entire village, such right having most probably been transferred by voluntary sale, or by default, under official order. In our early settlements there is no doubt that many a man whose ancestor had only held a field or two for generations, obtained the whole village, because such fields happened to be recorded as *seer*. It has frequently since been ruled, however, by the highest Civil Court in the land, that the possession of *seer* will not keep alive the proprietary right to manage a village, where that special right has not been exercised within limitations; and these rulings of the Courts of justice, based, no doubt, on Section 32, Regulation XXII of 1795, are sufficiently condemnatory of the contrary procedure which obtained when the North-West settlements were originally made.\*

Apologizing for this long digression, we return to the orders of 1844. The Lieutenant Governor went on to explain that it was for the settlement officer and his superiors in the Revenue Department, to determine judicially whether the double right in a village existed, or not; subject, however, to ultimate appeal to the Civil Courts; and that Government could not interfere after the commencement of the enquiry. Power was however, it was added, reserved by law to Government, to

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\* We can recall to memory a note by Mr. J. Thornton published in one of the earlier editions of the 'Directions to Settlement Officers,' but not to be found in the more recent version, in which it was said that though the village proprietors may have been reduced to a state not much better than ryots, yet whatever privileges they may have enjoyed above such ryots, may be considered as keeping alive the claim to be restored to their original condition.

determine and direct which of such parties (superior or inferior) shall be admitted to engage for the payment of the Government revenue, and with the disposal of the question the Civil Courts had no concern.

Talooka Moorsan is then quoted, in which 'many instances were found of the possession by several parties of these separate properties, and it has been determined by the highest authority that the subordinate proprietors should be admitted to engage for the payment of the Government revenue.' The Lieutenant Governor, therefore, resolved to adhere in future to that precedent.

He further remarked that in settlements that had already been founded, questions had arisen regarding the nature of the provision made for securing the rights of the talookdar; and he went on to say that 'a proportion of the net rent or profit arising out of the limitation of the Government demand has been allotted to him, but it has never been clearly or authoritatively decided, what is the nature of this allowance, on what tenure it is held, or to what contingencies it is exposed.' The determination of the allowance, it was also observed, devolved on Government, and not on the Civil Courts. The relative proportions allowed to the parties, as already detailed in Talooka Moorsan, were then discussed; and the rule was laid down, that in those instances in which there are sub-proprietors, when the whole demand was realized, Government would pay over to the talookdar 18 parts out of 80, or  $22\frac{1}{2}$  per cent. without deduction; when the whole demand was not realized, the talookdar should receive  $22\frac{1}{2}$  out of every 100 Rs. that might be collected.\*

We next come to paragraphs 31, 32, and 33 of the Despatch, which we may briefly designate 'assumption,' 'deduction,' and 'reduction.'

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\* In para 27 it is argued that if 10 per cent. was all that Government allowed to an *absolute* proprietor, it is unnecessary to give to a *part* proprietor so much as  $22\frac{1}{2}$  per cent. To this we would reply that 10 per cent. was fixed at a time when the proprietor only received an eleventh of the rental, Government taking all the rest; so that whether the proprietor was in, or out of management, he received alike about 10 per cent. It would have been equitable therefore, when we afterwards left to the proprietor a larger proportion, *viz.*, a third of the rental, if we had also increased the malikana of those whom we dispossessed, in the same proportion. (See preamble to Regulation II of 1794.) Adam Smith considered 'the title, which is but one-tenth of the produce, to be a very great hindrance to improvement', and yet Lord Cornwallis' permanent settlement, which, as far as the interests of all concerned go, has proved a marvellous success, was formed on the principle of Government taking  $\frac{1}{11}$  of the rental, the proprietors receiving  $\frac{10}{11}$ , or its equivalent as malikana.

A distinction is thus assumed. 'The law recognizes in a zamindar, talukdar, or malguzar, not being an actual proprietor of the land, a certain title of management for which it is equitable that the Government should give him some allowance. It is also just that a rightful manager excluded by Government from management, should not be left dependent on the success of the system of management which the Government may follow,' and from this it is deduced that 'the allowance to the talookdar is of a compound nature, consisting of (1) a fixed minimum, claimable under all circumstances, and (2) a variable sum, claimable at a certain rate whenever the collections may admit of it. The former is the compensation for the mere title of management; the latter is the amount over and above his equitable right, which has been given him by Government as of grace during his life-time, and is open to revision at his death': and reducing this doctrine to figures, it is thus put: 'The present *huk talookdaree* being 22½ per cent., 10 of this must be considered as fixed malikana, and the remaining 12½ as variable and open to revision on demise of the incumbents'; the following rule being prescribed:—

'Paragraph 37.—The minimum amount of the total demand fixed at the time of settlement, should be considered an indefeasible right of the talookdar and his heirs and assignees, so long as the settlement may last. On the death of each talookdar, the arrangement under the orders of Government becomes liable to revision, and then the surplus above this amount may be disposed of at its pleasure.'

The Despatch concludes by excluding the *Birt* tenures of Goruckpoor from the operation of the rules, except under special orders.

We must now beg the reader to compare these assumptions, deductions, and reductions, with the intent and purport of the able and intelligent settlement officer in the case of Talooka Moorsan, which we have summarized some pages back.

The first Rajah under us had a lease which was styled *istumraree*, or perpetual, but it was also said to be *for life*, and so not perpetual: the next Rajah obtained the settlement of a third of his property as hereditary zamindar, and he was 'recorded' as 'hereditary talookdar' of the other two-thirds. In the former portion he got, besides other things, 18 per cent. as 'proprietary profit,' and in the latter he also got 18 per cent. 'as in his own villages,' as proprietary profit. The settlement was for 30 years, but there is no mention made as to whether the terms just detailed were for that period, for the life-time of the then Rajah, or for ever. The inference is, that



the executive part of the arrangement was to hold the 30 years' term of settlement, and the judicial part for ever. But it will be seen from the Despatch we have quoted, that the arrangements made, and apparently approved in 1834, were subsequently ruled to be for the life of the incumbent only, after which the malikana allowance might be reduced, and was reduced, to the minimum of 10 per cent. !

The Despatch from which we have so largely quoted, was laid before the Supreme Government with a very able explanatory memorandum by the Lieutenant Governor, dated the 31st January 1844. It is there elucidated that in Talooka Moorsan the settlement officer proposed to take engagements from the talookdar for the whole estate, and that the biswahdars should be secured by sub-leases.\* The 18 per cent. of the rental proposed for the talookdar, was to cover the cost and risk of collection, as well as to represent his right to the estate. But the Board and Government disallowed the arrangement. They admitted the biswahdars to engage direct, and took upon themselves the cost and risk of collection; but they still gave the talookdar the allowance of 18 per cent. upon the assumed rental, as a money payment from the Government Treasury, declaring this to be 'a grant of favour and not a claim of right,† 'to be open to revision on the demise of the person to whom it 'was given.' This course of proceeding, it was further added, received the sanction of the Honourable Court of Directors.

When the settlement of the North-West Provinces was nearly complete, the settlement of a talooka in Mynpoorie upon the above principles, was reported for sanction. This sanction, according to Mr. Thomason, 'the then Government 'declined to give, and was disposed to admit the talookdar 'to engagement in this instance; and evinced an evident desire 'to retrace its steps in all the other settlements of talookas 'which had been made; the talookdars were considered 'injured persons, who were to be encouraged and assisted in 'their efforts to recover possession of property from which they 'had been wrongly excluded.' But no final orders, in the above sense, had been passed. It was next admitted by the

\* A most proper proposal and similar in effect to the system now being worked out in Oude.

† Read with this the following remark by Mr. H. St. G. Tucker, Ex-Chairman of the Court of Directors,—'I maintain that there are parties in 'the Ceded and Conquered Provinces, possessing a beneficial interest in the 'land, whose rights are susceptible of much more direct proof than those 'arbitrarily assigned to the ryot, and who cannot be reduced to the 'condition of mere pensioners without signal injustice.'

enaut Governor, though there had been ambiguity in Talooka ~~which~~ had been made the leading case; and it was also admitted that the question originally 'was not one of justice so much as of expediency,' but Mr. Thomason determined to adhere to the established course of proceedings, and to settle all doubts by insisting on the following main points.

*First.* In settlements yet remaining for orders it has been determined to admit the biswahdars to engagements, and give the talookdar his allowance from the Government Treasury.

*Secondly.* The nature and incidents of the talookdar's allowance have been fixed. It has been determined to be a percentage on the Government collections, *i. e.*,  $22\frac{1}{2}$  out of every 100 Rs. collected, but with a provision that the total sum is never to fall below  $\frac{1}{10}$  of the total demand of Government from the biswahdaree villages at the time of settlement, such being the highest amount fixed by law\* as compensation to be given to a proprietor who is not admitted to engage.

*Thirdly.* A course of proceeding has been laid down in all cases which can occur, whether of default of the biswahdars for over-assessment, or of sale or purchase of the rights of one or other of the parties, or of decisions by the Civil Courts affecting their rights.

The Lieutenant Governor further pointed out that difficulties might arise, if the decisions of the revenue officers were contested in the Courts of Justice, which 'have no definite grounds for their decisions, and are able to take only a partial view of the merits of the case presented to them,' and he mentioned that,

\* We consider it to have been a defect of our former administrators to refer all such questions as this to the laws which we had intermediately made, and that custom was by no means sufficiently studied by them. Mr. Thomason is constantly found relying on law rather than custom. This blame attaches to the Indian authorities only, and not to the Home Government, for when arrangements were being made for the permanent settlement of Bengal, the orders of the Court of Directors were as follows: 'As preparatory to it (the settlement) we direct that you ascertain as correctly as the nature of the subject will admit, what are the real jurisdictions, rights, and privileges of zamindars, talookdars, and jageerdars under the constitution and customs of the Mahomedan and Hindoo government, and what were the tributes, rents, and services which they were bound to render or perform to the sovereign power, and in like manner those from the talookdars, to their immediate liege lord, the zamindar.' The establishing and settling the 'tributes, rents and services' of the above parties, was one of the principal objects of the 39th Section of Act. 24 Geo. III. cap. XXV., passed in 1784, and in giving effect to it the Court ordered the settlement to be made with the landlords, and that rules should be framed for 'maintaining the rights of all descriptions of persons under the established usages of the country.' See Harington's Analysis, vol. II. page 174.

as a matter of fact, the talookdar of Moorsan had already brought suits, and had 'obtained decisions which, aside the biswahdars that we had set up. But we hoped to remove these difficulties by examining the cases, and, if necessary, bringing them to the notice of the Sudder Court;\* or if that was insufficient, a future opportunity would be taken of bringing the subject before the legislature.

The Lieutenant Governor, in paragraph 43 of his address, also observed that the result might perhaps be calculated to 'cause injustice' (to the biswahdars, is presumed to be understood,) but as it was stated in paragraph 30 that the settlement with the biswahdars 'was not one of justice so much as of expediency,' it is not apparent that much good could result from the threatened examination of the proceedings, since the courts of justice could keep justice alone, and not expediency, in view. The fact is, the Government in this instance placed itself on the horns of a dilemma. The able and intelligent settlement officer had found a hereditary zamindarry title in some instances, and a hereditary talookdarry title in others, and had recorded them with a certain fixed money allowance attached to the latter title; he also recommended the maintenance of the Rajah's position as manager: the Government, on the other hand, set all this aside, and put its own interpretation on the law.

The Civil Courts intervened and materially modified the results which the Revenue authorities had brought about, and the cloven foot having about the same time insinuated itself into the Board of Revenue, an appeal to the Supreme Government, with the Legislative Council as an effective reserve, became politically necessary. We are not aware of the nature of the reply that the Supreme Government gave to this appeal; but we find the Lieutenant Governor once more urging the question on the attention of the Government of India on the 30th March 1847. He pointed out the inconvenience that had resulted from the long period of limitation, viz. 12 years, allowed by law, within which the judicial awards of the settlement courts could be contested in the courts of justice, which latter 'are not bound by any of the instructions from the Government which influenced the proceedings in the Revenue Department,' the highest judicial Court having 'even declared that they cannot make themselves acquainted with the tenor of those instructions, unless they are formally brought before them by the parties.' He further pointed out in regard

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See above, where it is said that Government cannot beneficially interfere after arrangements have been completed.

† Query, summary?

Talooka Moorsan that the settlement proceedings, with few exceptions, had remained undisturbed until the 12 years' limitation was about to expire, when suddenly the talookdar had brought no less than 50 or 60 regular suits in the Civil Court, to reverse the summary awards of the revenue authorities. He mentioned that such proceedings had a tendency to cast doubt on all such tenures. He expressed an opinion that when a thing had once been judicially determined, it was unnecessary and inexpedient to leave it open to further legislation, and he observed that even as the summary awards for *rent* of the Revenue authorities could be contested in the Civil Court for one year and no longer, so ought the same period to be fixed, within which to contest the like awards for *titles* in land; and he therefore submitted a draft Bill to that effect for the consideration of the legislature. The Bill became law in the following year, as Act XIII of 1848, with this modification that the period of *three* years was fixed within which such awards might be contested. Nearly seven years afterwards, *i. e.* on the 13th of August 1851, the Court of Directors (the same body who are reported, as we have already said, to have sanctioned the proceedings taken in Talooka Moorsan) wrote as follows: 'another question is, what will be the position at the next settlement of the talookdars who *waived* the question of their right to engagements, and received a malikana generally of 18 per cent. on the juma for the life of the first incumbent, to be, except in peculiar cases, prospectively reduced and finally fixed at 10 per cent. We desire to be more fully informed respecting the nature, extent, and duration of the *agreement* with these talookdars, and whether the *arrangement* with them was made for the term of settlement, or whether it was intended to be permanent.'

Now here is a new light thrown upon this difficult subject! What could possibly make the Honourable Court suppose that the talookdars *waived any thing*? For have we not just shown that the settlement officer, the Revenue Board, the Lieutenant Governor of the North-West Provinces to the contrary notwithstanding, the talookdar of Moorsan not only did not *wave* his rights, but he deliberately went into the courts of justice, and in many instances *gained* his rights, against the tremendous array of official influence that was paraded before him? And as to any 'agreement' with talookdars, how could there be an *agreement*, when the Lieutenant Governor, as we have already quoted, distinctly recorded that the malikana was '*a grant of favour and not a claim of right*'?

The Lieutenant Governor replied briefly to the despatch of the Court of Directors on the 24th October 1851. All that has

already been recorded above was recapitulated. He admitted that Messrs Boulderson\* and Robinson, the then members of the Agra Board, expressed doubts as to the propriety of the course he had laid down, and that they advocated the right of the talookdar or his heirs to the entire allowance of 22½ per cent. of the Government juma for the entire period of settlement; but Mr. Thomason could see nothing to shake his conviction of the justice and sound policy of his rules. He added that the talookdars never had advanced, nor could they advance, a legal claim to more than 10 per cent. on the Government demand, and he left it to the highest authority in the State to alienate for the remainder of the settlement or in perpetuity, if it thought fit, the full allowance of 22½ per cent. on the Government revenue.

The reply of the Home Government to this despatch Mr. Thomason did not live to see; it reached the North-West Secretariat a few days after his death, and he was thus saved the pain and mortification of seeing his proposals negatived. The orders of the Court of Directors of the 2nd August 1853, No. 13, may well be quoted here *in extenso*.

‘Para. 1.—We shall now give our opinion on the proceedings, in the course of which the Lieutenant Governor, North-West Provinces, refers for our decision the question of the amount of Juk talookdaree to be permanently assigned to the successors of

\* We may here note that Mr. Boulderson afterwards published a remarkable pamphlet, denouncing in no measured terms the treatment of the talookdars when the North-West Provinces were being settled. The pamphlet is, in fact, a tremendous bill of indictment, and the proof is given of every charge in extracts from official papers. He actually uses the words ‘fabrication,’ ‘falsification of evidence,’ ‘misrepresentation,’ and he roundly charges the Board with such acts, nor did he spare the arguments of the head of the Government, which he denounced as jesuitical sophistries. He instanced the cases of several talookdars, and notably the estate of one in the Allahabad district, which consisted of 693 villages, two-thirds of which were taken from the talookdar, a minor under the trusteeship of the Government Court of wards, whose interests, the writer considered, were entirely neglected by the revenue authorities, his then lawful guardians.

The pamphlet to which we allude was printed in London for private circulation in 1858, when the Oude talookdaree settlement was being much discussed, but it was a mere reprint of a memorandum of remonstrance which Mr. Boulderson had submitted to the Government of the North-West Provinces in his capacity of junior member of the Agra Board, on the issue, by that Government, of the instructions of January, 1844, to which we have so largely referred. The receipt of the remonstrance was duly acknowledged, but nothing further was officially heard of it, and it never saw the light till the author, as we have said, re-produced it in 1858.

the talookdars, who waived\* their claims to engage for the revenue at the settlements under Regulation IX of 1833.

2nd.—We could not give an earlier reply to the Lieutenant Governor's reference, in consequence of the absence of an essential document to which we have only recently obtained access, the original circular instructions under which the settlements were made. On this deficiency in the records we shall address you separately.

3rd.—These instructions modified from time to time were  
 April 9th, 1839. 'printed in four parts under the dates  
 January 3rd, 1840. 'marginally noted, and must be consi-  
 August 28th, 1840. 'dered as embodying the views with  
 May 4th, 1841. 'which the settlement proceedings were  
 conducted from the commencement.

4th.—In the Circular No. 4, under the head 'Talookdaries' (Sec. XXIV) we find the following passage :—

'Para. 175. The amount that should be allowed on a fairly assumed jumabundee, in proprietary villages under a talookdar, has been fixed at 38 per cent., of which 20 should be allowed to the proprietary body, and 18 be assigned in compensation for loss of management to the talookdar.

5th.—These instructions were modified by the orders of the 17th January 1844, para. 30, as follows :—

'The Government and the talookdar are entitled to share in the collections in the proportion of 62 to 18, or in other words, out of every hundred Rupees collected 22½ should be paid to the talookdar. This seems fairly to accord with the nature of the arrangement and the expressions of the Board, as they were laid before Government, when sanction was given to the payment of the allowance. 32.—The allowance of the talookdar is of a compound nature consisting of a fixed minimum sum, claimable at a certain rate whenever the amount of the collections admits of it. The former is the compensation for the mere title of management mentioned in the Regulations, the latter is the amount over and above his equitable right which has been given during his life time, and is open to revision on his death. 33.—The arrangement was evidently intended by Government to be a liberal one, and this object will be fully attained if the minimum be fixed at the highest amount of malikana, claimable under Cl. 2, Sec. V, Regulation VII of 1822, which is 10 per cent. on the total demand. In this case the present huk talookdaree being 22½ per cent. on the Government demand from the biswahdars, 10 of this must be

\* Again the Court use this strangely inappropriate word !

considered as fixed malikana, and the remaining 12½ as variable, and open to revision on the demise of the incumbent.

‘ 6th.—It is stated in the Sudder Dard’s letter reporting the settlement of Moorsan that the assessment was somewhat higher than it would have been without the huk. Government give up something, as without the Rajah’s allowance a larger allowance might have been obtained, and the people give up something as they engage on worse terms than other village proprietors where no talookdar exists.\*

‘ 7th.—Whenever the 18 per cent. is mentioned, it is calculated on the *mahasil* or *jumabundee*, as in the passage above cited from the instructions of 1841. But in the orders of January 1844, the huk is stated at 22½ per cent. on the juma (which is the equivalent of 18 per cent. on the mahasil, the juma being the net payment by the malgoozars after deducting their 20 per cent.), and the proposed reduction is to 10 per cent. on the juma, which would be 8 per cent. on the mahasil.

‘ 8th.—The question referred is, in fact, whether the orders of 1844 shall or shall not have a retrospective effect. The Lieutenant Governor maintains that neither justice nor expediency requires the sacrifice of revenue which would be made by deciding in favour of the talookdars, and which he states at Rs. 85,000 per annum, for the time by which the term of settlement may exceed the life of the first talookdars.

‘ 9th.—That the maintenance of public faith is more important than the acquisition of revenue the Lieutenant Governor would fully admit, but he thinks that the public faith is not pledged in this matter. We differ from him with reluctance, but after the most deliberate consideration it appears to us, that public faith does require implicit adherence to the terms in which the settlements were individually and in each instance confirmed. The case of Moorsan in which reduction on the death of the Rajah was expressly provided for, may have been intended as a general precedent, but it never was declared to be so, and the principles of that settlement can only be applicable to Moorsan, and to such estates as may have been settled with the same exception.

‘ 10th.—All talookdaree arrangements concluded before 1844 must be determined by reference to the specific arrangements made with the talookdars, as recorded in the proceedings of settlement, modified or finally ratified by the terms of confirmation. Whenever neither the settlement proceedings nor

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\* N. B.—No account is taken of what the talookdar has been made to give up, *viz.*, the exercise of the rights of property which he has been enjoying for perhaps a century.

the terms of confirmation specify reduction on the demise of the first incumbent the entire arrangements must be considered to have been concluded for the term of settlement.

11th.—We feel our lives, therefore, under the necessity of deciding, that when the reduction is not thus specified, the allowance shall remain fixed at 18 per cent. on the mahasil for the term of settlement.

12th.—It is to be presumed that the orders of 1844 will have been kept in view in all settlements of subsequent date, and that the settlement contracts will have been formed accordingly. In these cases those orders will of course be operative.

13th.—After the term of settlement the huk may, in pursuance of the instructions of 1844, and under Regulation VII of 1822, be fixed in perpetuity at 10 per cent. on the juma or net demand of the Government, after deducting the 20 per cent. allowed to the malgoozars.

These were the final orders of the Home Government on this momentous question:—That they were a great improvement on those of January 1844, no one will deny; but it is none the less true that they did not go far enough. They appear to have been based on the idea that the talookdars had *waived* certain rights on certain conditions. Had the Government and the talookdars been parties negotiating on equal terms, who had mutually effected a particular arrangement at settlement, the orders above quoted, directing that such arrangements were to be religiously followed, would have been unobjectionable. But such was not the case. The talookdars waived no rights; they were being deprived of rights long exercised by our Government, and when they ventured to contest the summary awards of settlement officers in the courts of justice, they were threatened with special legislation, in view of their more complete suppression. What the Court of Directors ought to have done in 1853, was boldly to have restored the talookdars of Upper India to the position which they had long held, even under us, and failing this, the least they should have done was to grant *in perpetuity* the higher rate of malikana allowance which, under the orders just quoted, they extended to the full period of the current settlement and no longer.

The Government of the North-West Provinces in giving effect to the Court's orders, directed the Board to prepare lists of the cases in which the talookdaree allowance had been reduced on the demise of talookdars without the warrant of a special condition for such reduction in the terms of settlement, in view to refund being made, and the Board were further to make it generally known that under the decision of the Hon'ble Court,



the reduction in allowances would 'take effect in all talookdar tenures after the expiration of the present settlement.'

On the 23rd December 1853, the Agra Board in Circular D. D. followed up the above orders, by enjoining the preparation of district returns, and by directing that the orders be communicated to all talookdars. How these orders were carried out we are unable to say, but on the 2nd October 1860, the Agra Board, of which Messrs. Muir and Money were the then members, called attention to the apparent difference in the rules for calculating revised talookdar allowances in para. 33 et seq. of the Government orders of the 17th January 1844,\* and para. 113 of the 'Directions to Settlement Officers', and without apparently noticing the

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\* We have already referred to Mr. Boulderson's remonstrance against these orders; we cannot refrain from quoting his opinion here. 'It is with the greatest regret I have perused the orders of Government of the 17th January 1844, on the subject of talookdars. Those orders, as it is my duty as a servant, I have issued, and shall do my best to fulfil; but it is also my duty as a servant to enter my protest against them together with the reasons of the same; and it is also a duty I owe to myself and my own character, to state freely and fully that I am not and never can be held in any way a party to those proceedings which, after the fullest and most careful weighing, appear to me condemnable altogether; and although I must needs use the same language in all private conversations whatever, I consider that confining myself to such declarations would be flinching from doing my whole duty, and that I am bound to place on record in the openest manner my condemnation of the proceeding, and to send the same to Government.'

'2. I have repeatedly acknowledged the first principle involved in these cases, that it is highly probable the talookdars were not proprietors of all the estates they held; and that it was most just and most expedient to admit, in all cases where the rights of others were proved, and where those rights had been maintained and were found in existence, the parties possessing them to settlement engagements with Government. I have repeatedly referred to the laws which give this power of admission to the revenue authorities, and quoted them time after time, to shew that they restrict this power of admission to cases in which those rights had been maintained and were in existence. I have not seen the most trifling shadow of an argument against the validity and force of that reference to and quotation of law, not even an attempt at it.

'3. I have, time after time, protested against the operation of *a priori* arguments as to the rights of talookdars and the rights of others, as to what these must be, instead of what they are; which is the only point allowed to be in question by the law; and have repeatedly asserted, and with truth, and now again assert that the proceedings in each particular case, I believe I may freely assert in no particular case of the many hundred estates which have been alienated from the talookdars under this so-called enquiry, have ever been perused or considered by the Board; that the proofs therefore, on which the proceedings rest, have never been thought or made a point worthy of a moment's consideration; that the recommendations of the Board, therefore, for the confirmation of these settlements are to the last

amendments introduced into the former order by the Court of Directors in the Despatch which we have transcribed, they directed 'that in case of revision on the death of incumbents, the talookdaree allowances shall be calculated at 10 per cent. on the new Government juma, that is, at  $\frac{1}{11}$  of the total payments of the biswahdars.' In other words this was cancelling the order of the Court of Directors, and restoring Mr. Thomason's abrogated order. Nay more; for even Mr. Thomason excluded all *birt* tenures from the operation of his orders, but under this vague and general instruction of the Board, which did not profess to have justice or equity for its basis, and which aspired no higher than to reconcile two conflicting rules, these *birt* tenures have also been included, and whether the settlement had been made with the *biswahdars*, or ex-proprietors throughout the provinces, or with the *birt*dars or ex-sub-proprietors of the sub-Himalayan districts, the talookdars have suffered alike in either case. It has been elsewhere pointed out that these *birt*dars were a creation of the talookdars themselves, and all that they had a legal right to was a recognised position *under* the talookdar. Regulation VIII of 1793 is conclusive as to this point. It lays down that only those proprietors are entitled to engage direct with Government who held their smaller estates before they were incorporated into the larger. Yet this clear law was set aside, and men whom the said larger proprietors had, so to speak, *made*, were given independent proprietary titles. These *birt*dars are mentioned along with *gherrooas*, or mortgagees, in Section 17, Regulation II of 1795, as persons who were put in

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'degree untrustworthy; and viewing the light under which they assume to have been given, are open to the charge of simulation and mere pretension.'

'4. These protests have been in vain. The orders I am considering start with the admission, that these cases are "judicial cases," to be determined on the evidence adduced by either party; but proceed to say it would be better to treat of the general question first, and then to apply the principles arrived at to every particular case in succession. I had most earnestly deprecated this mode of proceeding, and urged (I am sorry to see how vainly) with the greatest force I could, that each case should be treated altogether separately on its own individual merits as a judicial question between individual parties, and not at all as a general question, which must needs lead to injustice.'

'5. The effect of such a mode of viewing the subject is a breach of the actual stipulations made in each case by the settlement officers with the talookdars, and confirmed or modified by the Board and by Government, and the breach of these particular conditions is justified by reasoning upon what the Government and Board must have intended, instead of what is the plain meaning of the words used by them.'

possession of their lands by the Rajah of the day, and as the were considered as having a permanent interest in their ten—without any attempt to discriminate the precise nature of that interest, they were treated like hereditary zamindars—that is, sub-proprietors were at once converted into proprietors, to the displacement of the Rajah.

We have now portrayed some of the means that were used in the North-West to create and foster the local village system. We have shown in the case of a single talooka which, strictly speaking, was neither a wholly pure, nor a wholly impure one, but which belonged to the chief of an important quasi-Rajpoot tribe, how 200 out of 300 villages were taken from this ancient chief and given to the village occupants, and we have also shown that the estate in question formed the model for the disposal of all others similarly constituted throughout the Upper Provinces. We fully admit ourselves, that if we had a *tabula rasa* on which to operate, on economic grounds we should rather introduce a system of small than of large landed properties, but we also consider that it appears to us to be not only a point of honour and justice, but also of political wisdom, whether we be dealing with the natives of India or the natives of New Zealand, to respect the interests, such as they then are, of those whom we find to be in possession of the soil. It is too late now to retrace our steps in the North-West Provinces; it is not too late liberally to interpret the rule which has, perhaps, not yet been irremediably settled, as to the compensation given for the wrong that we have undoubtedly committed: nor is it too late to congratulate ourselves on the narrow escape we made in the settlement of Oude from following in such devious paths as those which we have just sketched. Our space will not permit of our further pursuing the subject; suffice it, in conclusion, to say that our reformed revenue system seeks to maintain things in Oude as we found them; it seeks, so far as may be, to adjust rights, as they have existed within the period of limitations, without attempting to revive those, the very tradition of which has been lost; it leaves for division between the proprietor and sub-proprietor a much larger proportion of the rental than was contemplated by the philosophy of the by-gone settlement age; and finally, it seeks to impress upon the minds of the people the banefulness of an overstrained official intervention, hoping thereby to inspire in them the purer advantages of that self-government which the writings of Mr. Thomason so truly inculcate, but which the revenue system, which he so earnestly believed in to the last, was certainly not well calculated to teach.

ART. VI.—1. *Etudes sur l'Economie Forestière. Par Jules Clave.*

2. *Administration Report of the Bengal Government for 1864-65, Section IX.—Forests.*

3. *Report of the North-West Provinces Government for 1863-64. Appendix No. X. Memo. of the Forest Committee.*

4. *Administration Reports of the Central Provinces, 1862-63, 1863-64.—Forests.*

5. *Report on Forest Administration in Burmah, 1862-63.*

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**V**ERY few persons would care to be told that the rivers and wells of India are of inestimable value to the country, or to listen to a catalogue of all the evils which would result to this generation and to posterity from a failure of water supply. And yet it is not every one who realizes the fact that the forests, as well as the rivers and wells, store up and distribute a necessary of life, that the supply of wood is as invaluable as the supply of water, requires more care to maintain, and is cut off for generations with infinitely greater ease. Still less does every one understand the extent to which the rivers depend on the forest, or the manner in which the trees affect our climate, and thus our whole society and history.

It is not many years since the subject was first taken up by the Government, which in India ought to keep, and perhaps does keep, considerably ahead of even the better-informed portion of the Anglo-Indian community; and though every local Government which possesses forests has by this time got a forest department, yet the art and science of forestry, and its progress in India, are perhaps as little known by the general public as ever.

One great cause of this ignorance among Englishmen is probably the absence of any organized sylviculture on a large scale in England, where the crown forests are now very limited, and where the great woods which formerly spread over the country fell very early into private hands, when the old forest laws soon became obsolete. And so while in France and Germany modern governments have found vast forests still standing, when they turned from preserving game to preserving timber, the crown forests of Great Britain have for the most part passed into the hands of the freehold landowners, with whose doings no public

trustee dares interfere. Luckily some of the great proprietors of England are as enlightened as any public administrator, for the ducal forests of the north are strictly preserved and tended. The love of sport, and the peculiar taste of the Englishman for a country life and woodland scenery, deterred the great body of landowners from making their immediate profit from the timber on their estates, but the greater part of the woods have been at one time or other thrown into the market, and they have never been under any system of culture or cutting. In France, on the contrary, feudal institutions, and the absence of any freedom of commerce in respect to the land or its products, preserved the forests up to a recent period in the hands of the king and his lords, the severe game laws were in full force, and the people had none of the common rights of pasture and wood-cutting on the seigniorial estates, which tempered the dominion of the English squire. This sort of property was also in the hands of ecclesiastical bodies up to a much later date on the continent, but these forests, as well as those belonging to the communes, were merely held as of the feudal lord in France and Germany, and were not readily alienable until the Revolution 'changed all that' in France.

It has thus resulted that the knowledge and practice of forestry have been carried much further by the Government in France and Germany than in England, and as the Indian Government has now seriously taken in hand the forests throughout the empire, while the subject possesses far more immediate interest for all classes than is generally supposed, we have undertaken to review the book and the papers named at the heading of this article. We only aim at giving an abstract of the scientific and economical information which is contained in M. Clave's essays, and at drawing what profit we may from a comparison of the history and condition of the forests in France and in India.

M. Clave makes eight divisions of his subject. In the *first* he deals with the question of proprietary right in forests.

The second treats of the preservation of forests on hills and mountain ranges; its effect, and that of denudation, on climate and the water supply.

The third of sylviculture in France and Germany.

The fourth of the management of forests.

The fifth of their 'exploitation,' or working with view to profit.

The sixth of forest produce and the trades connected therewith.

The seventh of animal life in French forests.

The eighth of forest establishments.

Each of these essays contains so much that is interesting and instructive, that, instead of presenting our readers with a string of extracts, we prefer to abstract the gist of the chapters, and to epitomize the book in a English form with a commentary of our own, dwelling upon any remarks or information that may by analogy, contrast, or otherwise, be made applicable to the forest question in India.

This method will, we believe, be admitted as fair, and even advantageous to the author in a country where French economical works are so little accessible to the general reader.

It may be useful to remind the men of our day, whose sole object in life seems to be the accumulation of wealth, that the world has not been created exclusively for the benefit of their generation, and that certain natural treasures have only been given to them to hold in trust for posterity, to whom they will have to give account of their stewardship. They cut down the oak which they did not plant, they have inherited the woods from their forefathers, and the consequences of waste or mismanagement will fall on their heirs. No kind of property shows more clearly the joint and mutual responsibility of one generation to another. But as the greater number of men are incapable of looking beyond the prospect of immediate gain, and for cash in hand would always cut off the entail of ages, it is absolutely necessary in the interest of the nation to restrict the exercise or abuse of private rights, and to tie up the inheritance in perpetual trust. The conditions, which usually make it sound policy to meddle as little as possible with private enterprise and private rights, are entirely wanting here; it is unreasonable to expect the individual to postpone his own profits to prospective national advantage, and the two interests in no way coincide as to the management of forests.

Forests are of inestimable value to a country, (1) from the influence which they exercise over climate, (2) from their produce, and sedulous and skilful management is required to preserve their value. But this is just what the ordinary private owner is unable and unwilling to give. The future sterility of fertile plains, violent inundations and sudden floods, the spread of stagnant marshes—all these serious national evils are of small account to a man, when the price of timber has risen and he has got a good ready-money offer for his trees. He may turn a forest into cash and get high interest at market, but a very easy calculation will show him that it does not pay him to reserve his young woods for timber, which will

be ripe for cutting at from 50 to 100 years of age according to the kind of tree, and that it would be even more profitable to clear the soil altogether, whenever it may be suited to agriculture. Again, the smaller the forest may be, the more obvious are the disadvantages of preserving it, and the less apparent are those motives which render its preservation so vitally important to the native. The forests must be in the hands of a manager at once disinterested, far-seeing, and with resources for administration on a wide scale: and in most countries he can only be looked for among the ablest officers of the State. We do not say that the State has always proved itself a trustworthy agent; on the contrary, it has often yielded to sudden financial pressure, and we may draw the attention of Indian statesmen to the results which, according to M. Clave, followed the sale by the French Government of vast tracts of forest-land in the crisis of 1831. The purchaser cleared the land for agriculture, as our own buyers of waste lands will do, and the Government is now seriously considering whether these very tracts must not be re-purchased at heavy loss, and re-planted at the public expense. But the State is infinitely more likely to prove a good manager than any private owner,—far more capable of seeing its real interest, and of acting accordingly. Even the State of Massachusetts has taken order in its forests, and Mr. Emerson has recorded that the work requires the consecutive care and experience of generation after generation. All history, all experience of the motives which sway individuals, prove that if the forests are to be kept up at all, they must be entrusted to an authoritative, enlightened and permanent administration.

The causes, primary and secondary, which make this preservation of forests a matter of paramount national importance, are not far to seek. Every one understands, or should understand, the working of the natural agencies by which the earth is watered. The sun draws up from the oceans cubic miles of water, which is carried abroad by the winds in the direction where the greatest heat prevails. So, as Maury\* shows, when the great arid plains of Central Asia become heated, the equatorial currents of air rush in as the south-western monsoons, to supply the upward draught caused by rarefaction. These winds are loaded with moisture from the Indian Ocean and Arabian Sea; they meet with a colder temperature on the Western Ghâts, and there, and wherever they pass over hills, mountains, or high forest-covered

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\* Physical Geography of the Sea.

table-land, the cold condenses this moisture into vapour which precipitates in the form of rain. By these monsoons are fed the rivers, the wells and the reservoirs of India; the last drop is caught by the high range of the Himalayas and stored up in the shape of snow, and the fertility and wealth which this water supply creates, may be calculated by a comparison of the rich champaign of Hindustan with the rainless deserts north of the great mountains.

What part is assigned to forests in this admirable irrigation-system of Nature? Their general effect, especially in countries in or near the tropics, is to cool the atmosphere, and thus to quicken the condensation of vapour. They shelter the grounds from intense solar irradiation, and multiply upon their branches and leaves the surfaces which cool by radiation. The regions of greatest precipitation are the forest-covered Andes in South-Western America, and the district round Cherrapoonjee in Bengal. On the other hand, a French traveller, M. Blanqui, records in 1841, that no rain had fallen for three years in Malta, since the woods had been cleared for the extension of cotton-growing, and it has been especially remarked in St. Helena and in Egypt, that extensive plantations have increased the fall of late years. It is also commonly asserted among the agriculturists of the Indian plains, that the rainfall is less copious and less regular than formerly, although they do not of course connect it in any way with the annual spread of cultivation or the clearance of jungle.

But the forests not only promote condensation, and thus attract and increase the supply of rain, their still more special function is to regulate its storage and distribution. The rainfall is disposed of in three ways. A certain quantity is drawn up again to the air by evaporation very soon after its fall; of the remainder, part drains from off the surface of the soil into watercourses, and part is absorbed by the earth. The superficial drainage only takes place to any extent from non-absorbent soils—such as stiff clay, or from rock. The water courses are thus filled suddenly, and subside as speedily; they are useless as a supply to be calculated upon. Where the soil is porous and absorbs readily, the superficial drainage does not begin until the *stratum* is completely soaked through, and it is then that the action of forests comes into play. On the sides of hills, wherever they are bare of trees, the loosened earth is carried down in a liquid mass at a rate proportionate to the slope, which is left denuded of soil and furrowed into ravines. Where, on the contrary, the slope is wooded, the water drains off gently and gradually, the rainfall



has been checked and distributed by the leaves and branches, it trickles softly to the ground, and its superficial downflow is broken constantly by the trees and the smaller vegetation.

But the water which is completely absorbed is most precious, as it forms the reserve which supplies all our springs and wells in the dry season, and whatever quantity can be thus saved from superficial drainage or evaporation is clear gain. It is obvious that what is here required is a light porous soil to suck up like a sponge the water that would either evaporate from pools, or drain off impermeable slopes. And, as we have shown above, it is only the forest that can keep the slopes from being denuded of this soil. It breaks the violence of the downpour, and sprinkles over the ground the water which would otherwise hollow it out into puddles. Its roots bind the soil in its place, and actually serve as conducting lines, which aid the filtering of the rain into the lower layers. It is by thus causing gradual distillation and infiltration, that the forests keep their streams clear and perennial. Their operation produces the difference between the brooks issuing out of the sub-Himalayan forests, as in Rohileund or upper Oude, and the nullahs of the lower plains.

Upon the perfect adjustment of this machinery for absorption and distillation depends the whole irrigation supply of a country. If the rainfall drains off too rapidly, there will be excessive floodings followed by intermittent droughts,—if the process goes on too slowly, the water is apt to stagnate and to create marshes upon levels too thickly wooded, but this latter state of things is much less harmful and more easily remedied than the former. It may be seen anywhere in the Terai forests, just as the consequences of denudation are marked in deep splitting ravines, and arid stony banks on every bare hillside, to which only the slow growth of years can restore vegetative and productive soil.

Dr. Brandis, Inspector General of Forests, observes in one of his reports:—‘ Even where the hills do not rise more than 1,000 or 2,000 feet, it is of great importance for the fertility of the sides and valleys to have the ridges and upper part of the slopes well covered with forest. The rain, instead of rushing down the hill-sides in torrents and carrying away the soil, thereby silting up the valleys, will to a great extent be retained and filtered into the ground, thereby feeding springs lower down the hills and effecting a more regular drainage throughout the year.

These advantages are felt to such an extent in temperate climates, that large sums are spent annually in France and different parts of Germany in re-planting plateaus and high ridges

in mountainous regions, which in former ages were covered with forests. In the tropics, particularly where the country is comparatively dry, the injurious effect of the absence of forests in such localities will be felt in a much higher degree.'

M. Clave gives a remarkable and instructive description of the state to which the highland districts of the south coast of France and of Savoy have been reduced by the wholesale destruction of the woods on the hill ranges. He shows by statistics that production and population have diminished with appalling rapidity. A recent writer has asserted that between the 15th and 18th centuries the country of Haute Provence lost a full half of its culturable soil, and the Prefect of the Basses Alpes in his report of 1853 writes:—'If prompt and energetic measures are not taken, it is almost possible to calculate the date at which the French Alps will be completely desert.' Another writer, M. Suvell, shows how the snows melt so rapidly on the bare mountain sides as to produce furious mountain torrents, and he says that this result follows so certainly and speedily upon the felling of a hill forest, that it has been observed and commonly attested by one generation of inhabitants. This denudation M. Clave points out is aided and consummated by another cause, which may be new to many of our readers,—the system of sheep pasturage, upon which a series of articles has just appeared in the '*Annales Forestières*.' Vast flocks of sheep and goats go up every year from the plains of Provence and Piedmont to feed in the cool highlands of the Lower Alps. It is said that these animals by the trampling of their pointed feet, by their incessant clambering over every rock and into every cleft of the hill, and by their peculiar habit of tearing up the vegetation on which they feed, instead of browsing like the ruminants,—all of which habits loosen and dislodge the scanty soil,—utterly ruin the pastures. And as the sheep and goats are a hardier race and much more easily fed than large cattle, the former have completely ousted the latter, and the traditional occupation of the mountain villagers is gone. Such disastrous experience has not been thrown away upon the European Governments concerned. They have vigorously taken up the question, have sent out commissions, consulted the provincial Councils, and have adopted schemes for prevention and remedy. The French Government is carefully re-planting all the upland slopes, formerly wooded, which belong to the State, but it is still hesitating whether the communes or the private owners should be allowed the alternative of re-planting or 'expropriation.' It has been clearly proved that re-planting *does not pay* the immediate owners, who will therefore not undertake

it, if they can escape. But M. Clavey<sup>1</sup> argues that in such extremity private interests are out of the question, that the interests of fifty districts are at stake, and that after all, the result of an unreasoning respect for the rights of property will be that in another generation the property itself will disappear, carrying with it the properties of many other innocent persons. On the other hand, the impoverished shepherds of the mountains cling to the scanty pasturage that yet remains, and it is clear that the prohibition of sheep feeding, though indispensable to re-planting, will ruin them for the time. An imperial decree has just been passed after much discussion, empowering the State to mark off certain tracts which must be re-planted. If the owners refuse, the Forest Administrator expropriates them, and undertakes the planting; the owners may redeem the land by payment of expenses incurred any time within five years. The forest officers have also to arrest the progress of denudation where wood still exists, and at the same time to preserve the pasturage as much as possible. With this object they are authorized to take in charge waste lands, they clear it of brambles and scrub, which they pile up and burn for the fertilizing ashes, they take up good mould where it is useless, and spread it where it is wanted, and then irrigate the pasture lands by means of little trenches which catch and distribute the rainfall, instead of allowing it to drain off down the ravines.

We are well aware that the general effects of forests, and of their destruction upon the rain supply of a country, are ordinarily known to educated persons, and we do not suppose that there is any thing specially moral or of high scientific interest in the measures taken by the French Government. But the sketch that we have given may possibly enlarge the circle of those who in this country understand and pay attention to such matters, and may thus serve to strengthen the hands of the various administrations in carrying out their plans for the conservation and development of forests. It may show to those who may be galled by the overriding of their private interests how vitally essential is the action of State authority in this department, and that the restrictive and prohibitory measures of Indian Governors fall considerably short of the enactments found necessary in Europe. We have followed M. Clavey in dealing principally with France, but the Bavarian and Prussian Forest régimes are still more sweeping and severe. In India the system of forest reserves has been ordinarily followed; large tracts are marked off for special conservation, and the forests on waste lands available for sale have also been placed under *régime*. But we believe that nowhere has the Local Government interfered with forests on acknowledged

private property. Not even at Darjeeling, where the wholesale felling of trees by the tea planters has been shown to have been already harmful, will\* the Lieutenant Governor interfere to prevent more clearance on lands already sold; though, if the private forests ranging above 6,000 feet are not of great extent, he is probably right. Nor are we prepared to declare that Mr. Temple, Chief Commissioner of the Central Provinces, has been over-careful, lest too rigid an application of forest laws should be allowed to harass or pinch even the miserable wandering tribes who inhabit his jungles, and whom unsparing departmental energy would extirpate. He writes in one of his well-known Reports:—

‘ One great cause of wastage and destruction of the forests is what is called ‘ Dhuya’ cultivation. Much was said and written on this peculiar cultivation, and some have supposed that it ought to be stopped altogether. It may therefore be desirable that I should explain the matter. This “ Dhuya”, cultivation is practically a substitute for ploughing, and a device for saving the trouble of that operation. It is resorted to by Hill people, who are averse to labour, and have little or no agricultural capital. The method is in this wise:—A piece of ground on a moderate slope is selected, clothed with trees, brushwood and grass; the trees are cut down in November, the brushwood and grass are set fire to in May; the charred ground is left covered with ashes. In the beginning of June, quantities of seed are placed at the upper end of the slope, the rains descending wash the seed over, and into, the prepared ground. No ploughing or any other operation is resorted to. There springs up a plentiful crop, which has to be watched all day and night till it is cut. If not so watched, it would be eaten up by wild animals. In this manner all the pulses are raised. Besides this culture, there will be a few fields around the homesteads regularly ploughed and growing superior products. The pulses however form the staple food of the Hill people in four districts, and in many parts of districts adjacent to them. The population dependent mainly on Dhuya cultivation is between one and two millions. Now, it is unfortunate that the best ground for this peculiar cultivation is precisely that where the finest timber trees like to grow. The damage thus done during ages is incalculable; but to stop this cultivation now would be a serious, indeed a lamentable, undertaking. It may be hoped that, by degrees, these Hill people will learn a better mode of cultivation. But to prohibit

\* Bengal Administration Report for 1864-65, p. 133.

' the Dhuya cultivation altogether would be to drive this widely scattered population to despair. Though rude and ignorant, they are not destitute of spirit and endurance; they have clans and chiefs; they are always predatory; and they have, on occasions, shown themselves capable of armed resistance. If by a prohibition of their favourite culture they were reduced to any distress, they would resort to plunder and especially to cattle-stealing. And it is to be remembered that the great pasturage, whither the cattle from the plain districts resort, is situated in their country. Perhaps even they might resort to a sort of rebellion. And if they fled the country, the last state of the forests would be worse than the first. For then, the traces of human habitation, settlement and clearance would disappear. The foresters and the woodmen could no longer live in, or even enter into, the wilderness, rank and malarious with uncleared jungle, and overrun with wild beasts. These animals are already so destructive as to constitute a real difficulty. The only check upon their becoming masters of the forests, is the presence of the Hill Tribes. Inasmuch then as the entire prohibition of Dhuya is out of the question, the problem is how to check its extension without distressing the Hill people. It is possible to keep the culture within certain limits, to prevent new ground being taken up by it, and to restrict it to those spots where it has previously existed. In this manner further damage can be prevented, and it is to *this* object alone that our present efforts are directed.'

Again Mr. Temple's respect for the rights of property deters him, as it deters other administrators, from insisting on the enforcement of forest laws within the areas of villages, and the supervision of woods upon estates purchased under Waste Land rules is also withdrawn. But it is a question whether the Chief Commissioner is not stretching a little too far his tenderness for private interests. There is no important national trust that is worse managed anywhere by individuals, and better by the State, than the vast forests of the Central Provinces.

The Government of the N. W. Provinces took up seriously in 1863-64 the question of Forest Conservancy, and it was organized by a committee of officers at Nainee Tal. The measures however which they recommended, appear to be directed principally towards the more immediate object of the preservation of the supply of timber and firewood, the prices of which had risen to an alarming height. Forests have been reserved for the growing of timber, and a system of scientific culture has been introduced, but the basis of the committee's proceedings appears throughout to be the present and probable demand and

supply of timber; there is little or no allusion to the influence or value of standing forests, which is the point with which we are now dealing.

We suspect that the Government of India, while projecting and promoting vast and expensive schemes for irrigation throughout the country, does not always in its Public Works Department take sufficient thought as to the sources and supply of the water which it proposes to distribute in canals, or to store up in tanks. It will be found unprofitable to dig dykes for fertilizing the lowlands or to dam up the neck of narrow valleys, if the villagers are cutting away the trees over the springs and rivulets in the low hills above, or if the catchment basin of the tank is laid bare of wood. The canals will be dry just at the season when water is most wanted, and sudden violent inundations will carry away the dam. Engineers will find that they must widen the sphere of their observations, and that Nature's own system of irrigation must first be understood. It will not do to decide upon the water-way of a railway bridge over one of the numberless streams that issue out of the forest-clad hills of Central India, by computation of the highest flood levels *hitherto* known. The contractor has already thrown an army of wood cutters upon the slopes and ranges close by, and is sweeping off the timber and fuel to his works. Next year the offended river god rolls down such a torrent as the oldest villager has never seen and snaps the stone piers like sticks of sealing wax, and (we allude to facts) the contractor makes loud outcry against the engineer; a committee investigates the whole affair by the light of science, and finally decides that no one is to blame, and that the Company must pay the bill.

What can be more short-sighted than to study only one part of a vast and complicated machine—to imagine that one or two wheels can be ingeniously re-adjusted or improved without disarranging the whole? The world was planned upon one design, and has been brought into its present condition by the action, re-action and combination, of certain physical laws. Some broad general understanding of these must be attained by us, if we desire to regulate or modify their effects. Of all the agencies for maintaining the perennial flow of rivers by far the most important, next to the snow ranges, are, as we have shown, the forests. Has any one ever attempted to realize the consequences which would follow the drying up of a river? Great rivers 'with their springs', says Maury,\* 'give drink to man and beast, and nourish plants and reptiles—with fish and fowl not a few. The

' capacity of their basins for production and wealth is without limit, their streams are the great arteries of inland commerce. Were they to dry up, political communities would be torn asunder, the harmonies of the earth would be destroyed, and that beautiful adaptation of physical forces to terrestrial machines by which climates are regulated would lose its adjustment, and the seasons would run wild like a watch without its balance.'

Looking over the Madras Forest Report for the year 1864-65, we find the Conservators earnestly drawing the attention of the Government to the reckless felling and destruction even to the saplings that is going on in the large forests belonging to zemindars or other private proprietors, and even those that are under the Revenue authorities. Of the forests of Tinnevely it is said that nearly one half belongs to private persons; these forests are 'all situated on the line of ghâts, or at the foot of the hills,' and if they are really being cleared off under private management, there can be no doubt that the Government should interfere, or at any rate should make every exertion to get the forests on long leases, as the Officiating Conservator proposes. No more judicious or prudent investment could be found for the public revenue.

From a superficial glance over this Report we should infer that the Madras Forest Department was working exclusively with a view to keeping up the present and future supply of timber wood, and that the vast importance of *standing forests*, productive or non-productive to the whole country, had not been taken into consideration by the Government. But in this we may easily be mistaken. We may take this opportunity of remarking that the Report itself would have been none the worse for a touch of the forester's art in the way of pruning and thinning, for many of the paragraphs are tangled as a primeval jungle, and dense as its foliage. For instance, in recommending the establishment of a timber depôt at Vellore, an Assistant Conservator remarks (p. 19):—

'If the depôt was constituted at any other place, compensation would have to be given..... as the lands beyond the limits of cantonments are all under cultivation, and even then (*sic*) would be in my opinion at too reclusive a situation. There is nothing in my opinion of a timber depôt to affect sanatarism (*sic*) and even if so, the department can at all times be insisted to have it clean, so as to be conducive to health, likewise as done with the bandy stand immediately below the site I refer to.'

Another assistant is 'led to the belief that forest conflagrations.....have been instigated by Providence..... that

' they may achieve their first and important duty of destroying ' all the poisonous and nephetic exhalations which tend to corrupt ' the natural air.' We do not complain that good foresters are not always good scholars or natural philosophers, but we submit that these subordinate reports should have undergone censorship in the Madras Secretariat. And we commend to all dwellers in the jungle the use of sooted cobwebs in five-grain pills as a febrifuge—a prescription more or less known in all the forest lands of India, and which is declared in the Madras Report\* to be of proved excellence.

We have already remarked upon the tendency of Indian administrations, excepting perhaps the Bengal Government, to view their forests simply as reserves of timber, and to throw aside altogether such tracts as are not likely to be profitable. Some Governments indeed, and very many private owners, do not see even so far ahead as this, and seem to think that forests should only exist until a judicious application of capital, or clearance leases at nominal rates, can bring the land under the plough. Or it is maintained that the only compensation for the small profits yielded by woodland as compared with ploughland lies in the fact that, beside being more picturesque, the forests are entirely independent of seasons, and furnish in perpetuity, year after year, the same produce without any need whatever for culture or management of any kind. Even in France, as M. Clave relates, forest-produce was classed at the Paris exhibition of 1855 with 'natural produce obtained *without* cultivation.' And our author, scandalized by the general ignorance thus betrayed, which he attributes to the want of a place for Sylviculture in the Academy of Science, (where Horticulture and the Art Veterinary are admitted,) proceeds to explain the main systems of sylviculture now practised in France and Germany, which are perfectly well known to our leading Indian foresters, but about which the public of Indian cantonments may be as ignorant as the Parisians.

M. Clave describes how the words may be worked either on a system of coppices [*taillis*] or of high forest [*futaie*]. With the coppice system we in India have little or nothing to do, except perhaps as proprietors of small woods near towns; it consists of annual fellings of all or nearly all the trees at intervals varying from 15 to 40 years in France, according to the species of tree, re-production being obtained from the stumps. This method would of course apply not at all to resinous trees, which do not throw out shoots from their stumps, and it is a



rude unscientific system which is never practised now in any considerable forest. Even in the coppices, a proportion of the trees is now usually left standing. The true forest system, now universally followed in all scientifically managed forests, consists simply in leaving Nature as much as possible to herself, and in removing only the superfluous population of trees before Nature carries them off by the natural course of decay. Science can also assist Nature to a certain extent, and can accelerate her operations by clearing away dense underwood or creepers, by judicious thinning and pruning, and even by irrigation and chemical fertilizing of the soil.

In a virgin forest the fall of seeds from the ripe trees produces a numerous crop of seedlings; some kinds of seeds are winged or tufted with a downy cotton, and fly abroad upon the breeze to alight and sprout in every unoccupied corner, but seeds like the acorn and beechnut are heavy, they drop and germinate close to the parent stock. The greater number of these seedlings wither and die at an early age for want of the air and light which the heavy foliage above them excludes. But the elder trees soon reach the natural term of their existence, their crests become bare, they lose their leaves, they rot and fall, the generation of young trees beneath them is no longer cut off from the free air and light all-nourishing: its roots find clear space in the soil, it shoots up vigorously into maturity and takes the place of innumerable ancestors. Then ensues the struggle for existence, the strong species, who after a protracted warfare lasting through many generations have driven out and exterminated less hardy species, now strangle the weaker of their own species where there is not room for all, and the survivors reign in their turn as lords of the forests.

It is the business of the forester to aid the natural process described above. He can expedite natural selection of the hardiest seedlings by pulling up a part of each crop, he can fell the finest trees that have attained their full growth anticipating ordinary decay, he can cautiously thin the foliage of the elder trees that are left, so as to let in light and air to the younger saplings without destroying their shelter from heat and wind, and he can cut away all the brambles, creepers, and parasites which hamper the growth and exhaust the vitality of the rising generation. But the French have gone far beyond these simple operations, they have analyzed the component parts of the ligneous tissues, the elementary proportions have been ascertained, and it has been proved that irrigation and fertilizing with wood ashes wonderfully affect the growth of trees. In

the last Paris exhibition, M. Clave tells us, were shown specimens of timber from *forced* oaks and pines, prodigies of vegetation, which at four years had the natural girth of fifteen. It has also been found, as might have been inferred, that some species of trees do not flourish alone, but require the alliance and aid of other species. The oak grows very slowly, and its foliage is light in its earlier stages, it requires a quick-growing tree with dense foliage to be its helpmate while it is young, and to protect it against evil atmospheric influences.

It is obvious, however, that in India these refinements of close scientific forest cultivation would be quite out of place, and we only mention them as curious experiments. As M. Clave points out, different countries require entirely different systems in arboriculture as in agriculture, which must be adapted to the economical conditions of the soil and the people. No one would attempt high farming in the Far West of America, where there are vast tracts which merely want breaking up, nor on the interminable waste lands of the Central Provinces, although ingenious settlement officers draw up costly irrigation schemes. And so in the great primæval forests of India, nature requires very little help or interference on the part of science. She mostly asks that people should know what to leave alone, and above all that she be allowed something like fair play, and protected from the pitiless ravages of ignorance and greed for gain.

Having described how a forest should be grown and kept up, M. Clave proceeds to instruct us as to the best methods of working it for profit—to the State, be it understood, as perpetual trustee for the nation. No mortal capitalist who should look for interest upon his investments within the ordinary span of human life, would undertake to grow a forest, and it is undoubted that the owner of a forest in full growth would find his best pecuniary profit in cutting it down to coppices. For a full-grown forest in its prime contains trees of ages, varying from one to two hundred years, of which all above ten years are worth money; so that the whole represents a capital which no financier who looked to individual gain would lock up. The most that can be expected of the ordinary proprietor is, that he will not clear off the whole forest, but that he will preserve the trees under 15 years or thereabouts, so as to get a moderately quick return on sales of fuel and small wood. The great timber trees however will go, never to re-appear, exterminated by the relentless economical maxim which refuses less than the average rates of profit in other productive undertakings. And even if the proprietor, like so many in England, would scorn the idea of viewing his noble woods merely as sources of profit, yet still the

existence of the forests is precarious. A time comes when money must be had, owing to ruinous speculations, or the waste of a prodigal heir; and the timber goes to satisfy creditors, or the estate passes into the hands of an energetic shipbuilder. Those who saw the stumps in the park at Felbrigg Hall after a few years of the late Mr. W. F. Windham's crazy career, will agree that drinking and harlotry are as fatal to tall trees as to their proprietors. So that we may fairly conclude that private interests and private tastes can be no more relied upon to produce timber than, as we have shown, they can be expected to abstain from felling forests altogether out of consideration of the evil effects upon climate and water supply. The ordinary laws of supply and demand lose their force altogether in this business;—direct State intervention is as necessary here as in ordinary productive undertakings it is objectionable; for we want an owner who seldom or never becomes insolvent, who does not aim at money making, and who can look a century ahead for his profits.

A tree is formed by the successive accumulation of layers of wood one upon another. Every year it clothes itself, from the lowest roots to the tips of the smallest boughs, with a fresh coating, until after a century the sapling acquires the girth and size of a huge oak. It is of course known that these annual layers are easily distinguished, and show the age of the tree. But the process is not the same in all species of trees, some grow very rapidly in their youth and the subsequent increase slackens perceptibly,—others begin slowly, and only develop vigorously after passing a certain age. To this last class belong all the hardest and most valuable timbers, which improve by age up to a certain point, in quality as well as in quantity. M. Clave says that an oak two hundred years old in prime condition, would yield timber worth at least 400 francs (£16), whereas the same tree, if felled eight times in the same period (*i. e.* at intervals of 25 years), would not have fetched more than 80 francs altogether. The essential point in the working of forests is to determine at what age each sort of tree can be felled with *most* profit; as we have observed above, they yield some *profit* at any age between 10 and 200 years; and herein does arboriculture differ from agriculture, where the crops must be reaped at one unmistakeable season, neither before nor after. In corn-fields the annual yield is represented by the whole crop standing. In a forest, it is the cubic quantity of that year's growth upon all the trees. And since taking the forest for our capital, and the yearly increase for our interest, our object should be not to ~~encroach~~ encroach upon the capital, it is of prime importance to ascertain

exactly the average yearly growth, in order that we may proportionate thereto, as nearly as practicable, the quantity which we may remove by annual fellings. Of course these refined calculations apply better to the lesser and more valuable forests of Europe than to the vast woodland ranges of India, but the principle is accepted everywhere, and the great object of scientific foresters is by long observations and patient recording of experiments to discover the rates of increase of different species of trees in different soils and climates and at different ages. It has also been discovered that the various parts of a tree increase by different ratios, which are to a great extent regulated by the position of the tree; the branches of a clump or of a thick forest develop much less than in isolated trees, &c., &c.\*

All these observations and experiments go to form the basis of a perfect system of forest management, which is carried on much more profitably on a large than on a small scale. The period of rotation is fixed, and as each tree reaches its appointed term, when it has attained its utmost development, it is felled, and its place is taken up by the next in seniority. Meanwhile, care is taken to aid in every way the re-production from natural seedlings and the free growth of every generation, so that at the end of twenty annual fellings the Conservator can show a standing forest as perfect in every stage from the youngest seedling to the noblest bicentenary oaks, as on the day when the axe was first laid to a tree in the virgin woodland.

Who does not know the intense pleasure which a forest can give to those who have eyes to see—the picturesque view from heights above or plain below of the hill-sides clothed with a waving sheet of many tinted foliage? You draw near, and the dim religious shade, the mysterious sounds, the cool dells and clear cold brooks, delight every sense.

‘O! qui me gelidis in vallibus Hœmi

‘Sistet, et iugenti ramorum protegat umbrâ.’

The soft temperature of the wood-country attracts the clouds, which

- ‘Bring fresh showers for the thirsting flowers
- ‘From the seas and the streams,
- ‘And bear light shade for the leaves when laid
- ‘In their noonday dreams.
- ‘From their wings are shaken the dews that waken
- ‘The sweet buds every one,
- ‘When rocked to rest on their mother’s breast,
- ‘As she dances about the sun.’—SHELLEY.

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\* An English writer on forestry (Brown) places the grand climacteric of oaks [*i. e.*, the period from which the rate of increase begins to diminish] at 120 years. Dr. Brandis fixes the average at 90 years for teak in Burmah. M. Clave says that in Prussia oaks attain their prime at 150 years, and beeches at 120 years.

And when, leaving the regions of poetry and the picturesque, we descend to prosaic computation of the inestimable value to all arts and manufactures of forest produce, and consider how the abundance of wood, or its want, affects the comfort and wealth of the people; we shall admit the high importance of a science which can maintain our great forests in their prime, and at the same time can make never-failing provision for the supply of a product essential to the prosperity, if not to the existence, of a nation.

It would be neither interesting nor profitable to Indian readers for us to follow closely M. Clave in his dissertation on the best methods of turning to account forest produce. He begins by showing that the forests owned by townships are as badly managed as can be, and yield the least possible profits. They are owned by the villages in common; every year a certain quantity is felled indiscriminately, and is divided among the villagers, to whom this partition is an abundant source of squabbling and law suits. The people cling resolutely, however, to their ancient rights, and many a commune prefers living in squalid laziness on the scanty produce of their forest, to giving it on lease to the Government administrators, or to breaking up an acre for agriculture, whereby the nation at large loses as well as the township. The French Government is making vigorous efforts to save these forests by buying up such franchises upon liberal terms, and the Government of India might well follow in the same path wherever, as in the case of many petty zamindaries if not of villages, the forests are clearly worth preserving.

M. Clave advocates the system of selling timber standing, and it appears that the fellings are each year put up for auction at the head quarters of the department. It is argued that these fellings comprise many kinds of trees required for different purposes, so that the Staté cannot always find purchasers willing to take all kinds; whereas the wood-merchant has made it his special business to discover how each sort can be disposed of to the best advantage.

We believe that there is some difference of opinion among Indian Forest officers as to the most profitable system. One main objection to selling the trees as they stand being, that the purchasers cannot be strictly looked after, and that they do a good deal of damage. The best season for felling is said in France to be the autumn or winter,—the timber is harder, and the fuel wood burns better—but this does not apply to the resinous trees. The branches are lopped before the tree is cut down, that its fall may not damage the younger growth around it. The cost of carriage is of course an all-important element in the price of wood, inasmuch that the

Forest Department has organized a system of forest roads, and in 1860 an allotment of five millions [francs] was made by the State for carrying it out. It is worth mentioning, as showing how paramount in France are military considerations, that no road can be cut, no clearance made, in the forests on the frontier line adjoining foreign territory, without the previous assent of the military authorities; and M. Clave calculates that this interdict causes to the country an annual loss of twenty millions of francs. Wherever canals and above all, rivers are available, the timber is floated down on rafts, and successive administrations have labored to develop the facilities for water carriage. We are not aware whether the Indian Government has ever seriously entertained a definite scheme for opening out the means of transport from Indian forests, but in recent Forest Reports we have met with no allusion to any such project; the great rivers have of course been used from time immemorial for floating down rafts of timber.

In his next chapter, M. Clave enumerates the various uses to which different kinds of wood are applied, and the influence which the rate of supply exercises over the trades interested. We in India need not trouble ourselves at present to provide timber for ship-building, though in France the point is of great importance, but the supply of fuel, whether for railroads, manufactures or domestic consumption, may soon become a question of vital interest to the country. It was the demand made on the Upper Doab N. W. P. for fuel by the railroad in the first year after it was opened, which first drew the serious attention of the local Government to the state of the woods, and if iron works, forges, and steam manufactories, spring up in India, as they will if the land has peace for ten years more, we shall have good cause to congratulate ourselves on the timely conservancy of our forests. The most remarkable and noteworthy portion of this chapter of M. Clave's treatise, is where he shows that wood has been proved to be far superior to coal for forging all the finer and best tempered work in iron, and that the English with their coal furnaces turn out steel inferior to that of France and Sweden. It is said that the Sheffield steel workers import their finest metal from Sweden, and French authorities do not hesitate to maintain that England with her coal can never compete in this business with the French forges that are fed by the forests. This cannot be taken as a partial, because a French, opinion; it is supported by the known result of the comparison of specimens in iron and steel at the exhibition in 1861. And our readers will remember that the *Times* has recently professed to be startled at learning

that some of our railways bring their machinery from the continent. It seems that when fuel is used in the process of smelting, carbon is supplied to the iron in a form much more pure, and more readily entering into chemical combination, than from coke or coal. Two hundred years hence, when England has taken the last sack of coal out of her exhausted mines, India, if she is still under a strong civilized Government, may be turning out magnificent machinery for her own manufactures, and for the supply of enlightened Asia. At any rate she will be able to keep up a good stock of well-tempered bayonets for her army, and to take over from her step-mother country the vast business of supplying the world with pen-knives.

M. Clave next proceeds to describe the various scientific methods which have been tried to preserve from decomposition or attacks by insects, the wood which is used for railway sleepers, bridge planking, telegraph posts, and all purposes which involve long exposure to air or water, or contact with the earth. He says that the very best wood, heart of oak, becomes entirely rotten in ten years from the action of water, and he details the various processes of chemical injection that have been tried. The patent process which has been generally adopted expels the sap by hydraulic pressure from the green unbarked timber, and substitutes an antiseptic liquid. Sleepers and telegraph posts thus prepared have lasted without deterioration for more than ten years.

The principal minor products of the French forests are cork, bark for tanning, and rosin; the two last are well-known to Indian foresters.

M. Clave concludes this chapter with a rough survey of the state of the principal forests in the civilized world, viewed as the probable sources of future supply. The enormous forests of Russia have been devastated by the peasantry and by periodical fires; in the southern provinces the people have no fuel but straw, dung, and brush-wood, and firewood is dearer at Moscow than at Paris. Russia still exports timber, but she has suffered heavily, and will suffer terribly, from the waste of her resources. The sustained and increasing demand for the first class timber of Sweden and Norway, is gradually diminishing the magnificent forests on the slopes of the Scandinavian mountains, and our author points out that in those cold countries a forest, once extinct, cannot be artificially restored. Spain keeps up a few cork woods, but has otherwise been completely denuded. Italy has excellent timber trees, but very few of them now; her present administration is attempting to preserve what is left. England uses coal for fuel, and imports

from abroad an immense quantity of timber, it was valued at 187 millions of francs [more than £7,000,000] in 1859. Germany, which was formerly one vast Hercynian forest, is still one of the most wooded countries in Europe, and takes the most care of its resources. The United States and Canada have still great primeval forests which, though decreasing, yet from their vast size show as yet no immediate signs of exhaustion.

We thus find that the countries in which the forests are not still neglected are very few, whence it is gratifying to observe that the much abused Indian Government may at any rate be ranked with those few far-seeing administrations, which have taken vigorous steps to avert the great national calamity of forest denudation. The superficial and interested complaints against restriction upon the free working of forests, which occasionally appear in the newspapers, have induced the present writer to attempt to popularize the subject, and this intention must excuse the many inaccuracies which professional readers will detect in our article. We are convinced that when the reasons for forest conservancy and its objects, are once fairly understood by the general public, no one but timber-dealers and ignorant peasants will hesitate as to the necessity of maintaining and extending the system.



ART. VII.—1. *Broom's Practice of the County Courts*, 2nd Edition.

2. *Davis' Practice and Evidence in the County Courts*, 3rd Edition, 1864.
3. *Pollock's Practice of the County Courts*, 5th Edition.
4. *Temple's Practice of the Calcutta Court of Small Causes*.
5. *Lord Brougham's Speech in the House of Commons on Thursday, the 7th February 1828*.
6. *Acts IX of 1850 and XXVI of 1864 of the Legislative Council of India*.
7. *Acts XLII of 1860 (Repealed), XII of 1861 (Repealed), and XI of 1865 of the Legislative Council of India; also Act II of 1862 of the Bengal Council*.
8. *Sutherland's Rulings by the late Sudder Court and the Appellate High Court on References from the Mofussil Small Cause Courts*. Calcutta, 1865.
9. *Supplement on the Equitable Jurisdiction to Pollock's County Court Practice*.
10. *Manual of the Courts of Small Causes in the Punjaub*, compiled under the orders of the Judicial Commissioner for the Punjaub. By T. H. Thornton, Esq., D. C. L., Judge of the Lahore Court of Small Causes. Lahore, 1865.
11. *The Amended Code of Civil Procedure, published in the Gazette of India of the 28th April 1865*.
12. *Report of the Sudder Dewanny Adawlut on the Administration of Civil Justice in the North-West Provinces during the year 1863*.
13. *Ditto for 1864*.

WHEN on Thursday the 7th February 1828, Henry, afterwards Lord Brougham, delivered in the House of Commons his celebrated speech on legal reform, and depicted with a master-hand the changes in the judicial system of England, which were demanded by the progress of the age, and most of which he has since lived to see adopted with all the success which he had predicted for them, the County Courts were particularly mentioned by him as requiring the touch of the 'Amending Hand' to infuse the life and vigour of the nineteenth century into these ancient

s. 'The County Courts,' said this able jurist, 'ought to

'be diligently reformed, their process extended to matters of larger amount and of greater variety, and their officers rendered more able and efficient; thus greatly diminishing the number of trifling suits in the higher judicatures, and affording cheap and speedy redress for petty wrongs before appropriate tribunals.' Since these words were spoken in the House of Commons, the County Courts have been indeed diligently reformed, their jurisdiction has been extended, and their officers have been rendered more able and efficient, and the success which has resulted from these measures, has been such as never could have suggested itself in 1828 even to the sanguine and prophetic mind of this great Captain of modern legislative progress. We shall endeavour to sketch the history of the 'County Courts' from the earliest times down to the passing of the 'Act to confer on the County Courts a limited jurisdiction in Equity' (28 and 29 Vict. cap. 99), which came into operation in England on the first day of October last. In tracing their early origin, subsequent decline, and recent renovation and prosperity, we shall have somewhat to remark as to the causes and circumstances which have affected their existence, and which must not be overlooked in any successful attempt to work a similar system in India.

The old County Courts were a Saxon institution, and before the establishment of the Courts at Westminster were the chief Courts in the kingdom. They were as ancient, if not more ancient than the reign of Alfred the Great, whose policy it was to bring justice home to every man's door, and in order to do so he wished to have as many courts as there were manors and townships. They were called in those days the *Shire-mote*, and all the *Thanes* had the right of voting therein in those old times, when disputes were adjusted not by the decision of an individual invested with judicial authority, but by the suffrages of those who might be supposed to have some knowledge of the facts from dwelling in the neighbourhood. An appeal lay from these decisions to the King in Council, and was occasionally resorted to, when local influence or the power of individuals was effectual in keeping back justice from the poor and the weak. Such courts as these were unknown on the continent. They acted as a powerful check on the courts of the Barons, and it has been said that they exerted a considerable political influence on the then future destiny of the English people.

Subsequently the Sheriff used to sit in the County Court, and to decide cases not involving more than forty shillings. They were essentially popular tribunals, and so Spelman calls the County Court '*forum plebeie justitie et theatrum comitiva potestatis.*' The Acts of Parliament were published therein, and

so made known to the people at the end of each Session. The Norman conquest must have had a considerable influence on these institutions, and their decline, which probably commenced at that period, can be distinctly traced to known causes. Their jurisdiction was curtailed by 'Magna Charta,' and limited to trespasses and forty shilling debts. Specialty debts were however not recoverable in these courts, and as they possessed no power to arrest the person on *mesne* or final process, their machinery for the recovery of sums decreed was necessarily ineffective in many cases. The Bishops having ceased to sit in them, their influence declined, as legal or other learning was scarce in those days, and the absence of these functionaries was not compensated by the presence of any one who possessed even a small share of the knowledge of Civil Law, which was then entirely confined to the ecclesiastics. Meanwhile the courts at Westminster were established, and the Judges of these courts went on circuit through the counties. The presence of these officers, who were learned in the law and whose process could not be neglected or treated with contempt, was naturally a means of redress for injuries received at the hands of the powerful and of enforcing right against might, which the local tribunals, presided over by illiterate men, subject to local influences, and restricted in the exercise of a judicial authority, to entrust greater powers than which would have been dangerous, could not afford. The scheme of bringing justice home to every man's door thus met with small encouragement from those who preferred going to a distance to obtain from a higher source, what better deserved the name of '*justice*' than the commodity which was to be had nearer for less money. In bringing justice like water to every man's door, care must be taken that the pure fluid is conducted thither. Otherwise men will prefer a walk to the pure stream, even though they have to pay for getting access to it, rather than put up with the nastiness that can be had gratis at their thresholds. But when this impure substitute costs as much as the pure fluid of the running stream, it can scarcely be expected that any will put up with it, except those who from habit prefer impurity to purity, and what is unclean to what is clean.

The entire system of English jurisprudence, built up in the courts of Westminster, has been the work of centuries; and till after the invention of printing diffused knowledge abroad, the results of the labours of eminent jurists were known but to a small number, and it would have been for a long time a very difficult matter to officer the County Courts with those who could have distributed as good justice, or nearly as good, as what was

to be had from the Judges who periodically visited the chief town of the county. It was only of late years, when civilization brought her handmaid education to help in the work, that it became really possible to bring cheap *justice* home to every man's door. Any premature attempt to do so would have conducted not justice but injustice to the thresholds of the people, as those who wish to taste the sweetest fruit too soon, and pluck it before it is ripe, will be rewarded with a mouthful of sourness for their pains, and with something worse, if they persist in swallowing the deleterious food. Parents are careful to prevent their children from tasting such unwholesomeness, and a good Government should not be wanting in similar care.

The progress of the courts at Westminster thus, as it were, swept with it waters that might have made a respectable stream if suffered to congregate by themselves; or, to use another simile, so many materials were required for the fabric that was being constructed there, that there were none to spare for minor buildings, which moreover would have been erected without system and without regard to uniformity, had their construction been attempted before the completion of the great edifice which was to serve as a model for them all. There were other reasons also why the County Courts, constructed at first of non-permanent materials, declined and fell to pieces only to be erected in a more durable style afterwards. Proceedings could *at any time* be removed from these tribunals to the Superior Courts without any penalty of losing costs such as now prevents a similar practice. Even after a case had been decided, a writ of false judgment in the nature of a writ of error could be obtained, and the recovery of a just demand placed as far off as ever. The proceedings of these courts were moreover both tedious and expensive, and deficient in uniformity. Sir Matthew Hale tells us that the business of the ancient County Courts became gradually absorbed by the Superior Courts, because of their being despatched in the latter with greater justice and equality, which were grievously wanting in the minor tribunals. There was in those days no Press to expose abuses, and bring to light injustice committed in the most remote parts of the country. Locomotion and communication were difficult, and sometimes dangerous. Thus in many ways a theory, that would have been then quite unfeasible, has now come to be perfectly feasible and successful in practice.

It must not be supposed that before the requirements of progress uttered a demand for reform with the lips of Henry Lord Brougham, nothing was done towards establishing tribunals, where good yet speedy justice could be administered in the vicinity. As early as the reign of Henry VIII, Courts of Request or

of Conscience were established in London by an Act of the Common Council for the trial of a certain class of small causes. Two aldermen and four commoners sat in these courts, and disposed of cases of debt not exceeding forty shillings. The proceedings were of a summary nature; and the success which attended the measure induced other large towns in the kingdom to apply for Acts of Parliament to authorize the establishment of similar courts, as many as 106 of which with various jurisdictions were in existence in 1841.

The speech of Lord Brougham was delivered in 1828, but it was not till eighteen years after that the required reform was carried out. The first County Court Act (9 and 10 Vict. cap. 95) was passed on the 28th August 1846. Its Preamble runs as follows:—

‘WHEREAS sundry Acts of Parliament have been passed from time to time for the more easy and speedy recovery of Small Debts within certain towns, parishes and places in England; and whereas by an Act passed, &c. . . . .; and *it is expedient that the provisions of such should be amended, and that one rule and manner of proceeding for the recovery of Small Debts should prevail throughout England*; and whereas the County Court is a court of ancient jurisdiction, having cognizance of all pleas of personal actions to any amount by virtue of a writ of justices issued in that behalf; and whereas the proceedings in the County Court are dilatory and expensive, and it is expedient to alter and regulate the manner of proceeding in the said courts for the recovery of small debts and demands, and that the courts established under the recited Acts of Parliament or such of them as ought to be continued should be holden after the passing of this Act as branches of the County Court under the provisions of this Act, and that power should be given to Her Majesty to effect these changes at such times and in such manner as may be deemed expedient by Her Majesty with the advice of her Privy Council; Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent, &c. . . . that it shall be lawful for her Majesty with the advice of her Privy Council from time to time to order that this Act shall be put in force in such County or Counties as to her Majesty with the advice aforesaid from time to time shall seem fit; and this Act shall extend to those Counties concerning which any such order shall have been made and not otherwise or elsewhere; Provided always that no Court shall be established under this Act in the City of London.’

Similarly by Section 3 of the Indian Mofussil Small Cause Act (XI of 1865) ‘the Local Government may with

' the previous sanction of the Governor General of India in Council constitute . . . Courts of Small Causes . . . . at any places ' within the territories under such Government,' and ' the Local ' Government may abolish any Court of Small Causes,' apparently without any further sanction. Her Majesty in Council is authorized to divide the whole or any part of a County into *Districts*. In each district a County Court is to be held. *A district therefore signifies the locality over which any one Court has jurisdiction.* It is lawful for Her Majesty in Council to order that the holding of any such Court be discontinued, or to consolidate any two or more of such districts, and from time to time to declare by what name and in what towns and places the County Court shall be holden in each district. Similarly, (Section 3, Act XI of 1865) the Local Government shall fix the local limits of the jurisdiction of Courts of Small Causes, and may from time to time alter the limits so fixed—and (Section 5) Courts of Small Causes shall be held at such place or places within the local limits of their respective jurisdictions, as shall from time to time be appointed by the Local Government. In England one and in some cases two courts have been established in each district or local jurisdiction. In India not more than a single court has as yet been established in any one jurisdiction. Yet there are obvious advantages to be derived from a single court sitting at different places within a large and scattered locality. The disadvantage of a number of small jurisdictions with separate courts, is that (more especially under the Indian Act, as we shall show hereafter,) while the Judge is absent at one court, the work of all the others is at a stand-still, whereas in the case of the same court held in different places of the one jurisdiction, the Judge can dispose of urgent business, motions, &c. for which parties will be glad to go to a greater distance from home, when for many of these purposes, and for paying or receiving deposits, the presence merely of the parties themselves or their constituted agents will be sufficient. Persons having cases to be tried, about which they are in no special hurry, and which involve the attendance of a number of other individuals as witnesses, willingly wait till the court is sitting in their neighbourhood.

For each district there was to be a Judge, but it was early decided that the same person may be appointed Judge of the County Court for and to be holden in several districts; and, in fact, there are now about *five hundred districts presided over by sixty Judges*, each of whom presides in many cases over several districts. *The district or districts presided over by a single Judge are called 'a circuit,'* and there are now fifty-nine circuits in which courts are held at *five hundred and two different places.*

In six of these circuits, namely Manchester and five of the metropolitan districts, there is only one court. In the other circuits, the number of places at which courts are held varies from *two* to *sixteen*. In one circuit, that in which the borough of Liverpool is included with two other places, and in which the largest quantity of business is done, two Judges are appointed. We shall in a future part of this article point out how a judicious arrangement of circuits, which contributes so much to the economy of these courts and the despatch of a suitable quantity of business, has been wanting in the attempts hitherto made to introduce the system into India.

The term '*District*' is used in the 29th Section of the Indian Act (XI of 1865), which runs as follows:—'Whenever more ' courts than one are constituted in any *District* under this Act, ' the Local Government may appoint one of the same courts to be ' the Principal Court of Small Causes in such *District*'. Now what is the meaning of the term '*District*' in this Section? That it is entirely different from an English district, as explained above, is plain from the following Sections, which speak of several Judges for the several courts in a district. It is unfortunate that no definition of the term has been given in the Act. Are we to suppose that it has the same meaning as in the phrase 'Magistrate of the District,' and that it means an Indian Zillah? Or has it been inadvertently used in the same sense as the English circuit, though this is very unlikely as there is but one Judge generally in a circuit? We shall hereafter show that if a district means a Zillah, the object of the 29th and following Sections as to the duties of a Principal court is entirely frustrated.\*

The jurisdiction of the County Courts was thus defined by the first County Court Act. 'And be it enacted that all pleas ' of personal actions where the debt or damage claimed is not ' more than twenty pounds, whether on balance of account or ' otherwise, may be holden in the County Court without writ; ' and all such actions brought in the said court shall be heard and ' determined in a summary way; provided always that the court ' shall not have cognizance of any action of ejectment, or in

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\* As by Section 3 of the Act the Local Government can fix and alter the territorial limits of the jurisdiction of each court, and is in no way bound to make those limits conterminous with any existing limits of Zillahs and districts, it follows that part of the local jurisdiction of a Court of Small Causes might be in one Zillah, and part in another Zillah, how would the Principal court of such a court be appointed? The Local Government ought to have power to arrange the districts in the English sense of the term (which power it now has), and the circuits, meaning the jurisdictions of Principal courts,—but of this hereafter.

*' which the title to any corporeal or incorporeal hereditaments or to any toll, fair, market, or franchise shall be in question, or in which the validity of any devise, bequest, or limitation under any will or settlement may be disputed, or for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or breach of promise of marriage.'*

Four years after the passing of the first County Court Act, the jurisdiction of this tribunal was extended by the 13 & 14 Vict. cap. 61, to the recovery of any debt, damage, or demand not exceeding the sum of FIFTY POUNDS, and to all actions in respect thereof save those already excepted above. Six years after this, a further extension of jurisdiction was given by the 19 & 20 Vict. cap. 108, passed on the 29th July 1856, Section 23 of which runs as follows:—*'The County Courts shall not have jurisdiction to try any action for criminal conversation'*,—this action has since been abolished by the new Divorce Act—*'but with respect to all other actions which may be brought in any Superior Court of Common Law, if both parties shall agree by a memorandum signed by them or their respective attorneys, that any County Court named in such memorandum shall have power to try such action, such County Court shall have jurisdiction to try the same.'* By Section 24 of the same Act, *'Where in any action the debt or demand claimed consists of a balance not exceeding fifty pounds after an admitted set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the Court shall have jurisdiction to try such action'*; and by the 25th Section when a question of title arises *incidentally* at the hearing, the Judge with the consent of the parties given in writing may deal with it.

Such is the present *ordinary Common Law jurisdiction* of the English County Court, of which we shall have more to say when we come to compare therewith the jurisdiction of Courts of Small Causes in India. But the cases disposed of on this side of the County Court are but a portion of the work transacted therein. Replevin and Interpleader Suits, actions for the recovery of a house, land, or other corporeal hereditament, the annual value of which does not exceed fifty pounds sterling, from any tenant whose interest had ended and who had paid no fine, and the decision in certain matters under the Customs Act falls also within the jurisdiction of the County Courts, which has been moreover extended to disputes connected with or arising out of the Charitable Trusts Acts, the Friendly Societies' Acts, the Absconding Debtors' Act, the Summary Procedure on Bills of Exchange Act, the Merchant Shipping Consolidation Act, the Mercantile Marine Amendment Act, the Joint Stock Companies'



Act, the Succession Duty Act, the Nuisances' Removal Act, and the Metropolitan Building Act. Acknowledgments of Deeds by married women under the Act for the abolition of fines and recoveries can also be made before a County Court Judge. In addition to all this, jurisdiction in certain matters of Probate and Administration and in Insolvency and Bankruptcy has been vested in these inferior tribunals. There are other Statutes besides the above, which supply work to the County Courts, but the list already given is sufficient to show the responsibility confided to them, and the confidence reposed in them by the public and the Legislature, even before the Act of 1865, which has given them such a large jurisdiction in equity. The following statistics of the number of plaints entertained by these courts in the years 1857, 1859—61, will give some idea of the vast amount of business disposed of, and of its annually progressive increase.

| Year. | No. of Plaints. | Amount in Litigation. |
|-------|-----------------|-----------------------|
| 1857  | 744,652         | £ 1,937,745           |
| 1859  | 714,623         | £ 1,754,971           |
| 1860  | 782,384         | £ 1,882,047           |
| 1861  | 903,957         | £ 2,168,337           |

Well may Mr. Warren exclaim, 'What a vast multitude of transactions almost exclusively among the humbler classes of society do these figures represent! And how convincing are they of the importance to society at large of securing the just and efficient administration of justice in these numerous and newly constituted or, at least, remodelled tribunals!' (Warren's Law Studies. Vol II p. 961.)

We now come to the equitable jurisdiction of the County Courts. Before the passing of the 28 & 29 Vict. cap. 99, these courts possessed a certain amount of equitable jurisdiction, viz. in the matter of charitable Trusts, and in the winding up of Companies and Societies. They were also enabled by the original Act of 1846 (9 & 10 Vict. cap. 95, Sec. 65) 'to entertain suits for the recovery of any demand not exceeding the sum of twenty pounds, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the

'amount of a distributive share under an intestacy or of any legacy 'under a will.' The propriety of conferring on the County Courts a more extensive jurisdiction in equity had been for some time under discussion before the Session of Parliament of 1865, at which was passed 'An Act to confer on the County Courts a limited jurisdiction in equity' (28 & 29th Vict. cap. 99), by which all the powers and authorities of a Judge of the High Court of Chancery are conferred upon County Court Judges in eight different cases, *viz.*

*First.*—In all suits by creditors, legatees (whether specific, pecuniary or residuary) devisees (whether in trust or otherwise), heirs at law, or next of kin, in which the personal, or real, or personal *and* real estate, against or for an account or administration of which the demand may be made, shall not exceed in amount or value the sum of five hundred pounds :

*Second.*—In all suits for the execution of trusts, in which the trust estate or fund shall not exceed in amount or value the sum of five hundred pounds :

*Third.*—In all suits for foreclosure or redemption or for enforcing any charge or lien, where the mortgage charge or lien shall not exceed in amount the sum of five hundred pounds :

*Fourth.*—In all suits for specific performance, or for the delivering up or cancelling any agreement for the sale or purchase of any property, where the purchase-money shall not exceed the sum of five hundred pounds :

*Fifth.*—In all proceedings under the Trustees' Relief Acts, or under the 'Trustee Acts, or under any of such Acts, in which the trust estate or fund, to which the proceeding relates, shall not exceed in amount or value the sum of five hundred pounds :

*Sixth.*—In all proceedings relating to the maintenance or advancement of infants, in which the property of the infant shall not exceed in amount or value the sum of five hundred pounds :

*Seventh.*—In all suits for the dissolution or winding up of any partnership in which the whole property, stock and credits of such partnership shall not exceed in amount or value the sum of five hundred pounds :

*Eighth.*—In all proceedings for orders in the nature of injunctions where the same are requisite for granting relief in any matter in which jurisdiction is given by this Act to the County Court, or for stay of proceedings at law to recover any debt provable under a decree for the administration of an estate made by the court, to which the application for the order to stay proceedings is made.

It must not be supposed that the County Court System, as it now exists in England, was established and reached its present

pitch of prosperity without opposition from some, who honestly doubted the propriety of the innovation, and open hostility from others who had less honourable motives. Bentham's theory of *general utility* has not yet been so generally understood, admitted, or acted upon. It must however be allowed that there was much in the measure that was experimental, and that to prove its utility a trial was in some respects necessary. In speaking of the delay made by the legislature in acting on the suggestions of Lord Brougham in his speech of 1828, Mr. Warren remarks:—  
 'Vigorous efforts were made by it (the legislature), but were  
 'encountered by as vigorous opposition, many high authorities,  
 'among whom was the late candid and cautious Sir Nicholas  
 'Tindal, then Solicitor-General, entertaining serious apprehension  
 'that according great facilities to litigation in small matters  
 'would foster a litigious spirit, and be attended with other evils,  
 'some of which have undoubtedly since made their appearance.  
 'There can be no doubt however, that the most persevering and  
 'powerful opposition was that offered, indirectly and unavowedly  
 'by those who dreaded, and reasonably, the drain of business from  
 'the Superior Courts, likely to be the result of establishing local  
 'courts.' Their success has however been such as to overcome all reasonable opposition and to convert those, who opposed the system from honest conviction, by conviction equally honest to be its admirers, advocates, and supporters.

We have thus endeavoured to give a brief outline of the County Court System, as it is at present constituted in England. The outline has been necessarily brief, as in order to avoid repetition we have reserved much, which for the purpose of illustrating both more fully, shall be given in detail in the comparison between English County Courts and Indian Courts of Small Causes, which we now purpose to institute. In this, as in other matters, progress in this country has followed in the footsteps of progress at home. When Courts of Request were in existence in England, similar Courts were established out here in the Presidency Towns. When these Courts were abolished at home and their place taken by the present County Courts, a similar measure was inaugurated in India. Act IX of 1850 being 'An Act for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay,' and under which the Courts of Small Causes in these towns were established, was passed on the 15th March 1850, *five months before* the English County Court jurisdiction was extended to fifty pounds. Under Section 25 of this Act, the Courts of Small Causes in the Presidency Towns were vested with jurisdiction in '*all suits where the debt or damage claimed, or value of the property in dispute, is not more*

*'than five hundred rupees, whether on balance of account or otherwise.'* The County Court jurisdiction extended only to '*personal actions*', with certain exceptions. These were formerly divided by the lawyers into actions of Debt, Detinue, Trespass, Case, &c. But these forms of actions have now fallen into disuse since the Common Law Procedure Act of 1852, and the class of *personal actions* is now laid down in the most recent works as embracing all claims of redress for personal violence or aggression; all demands founded on contract between man and man; all complaints for injuries to personal property, and also for all injuries to real property. (See Roscoe's Civil Evidence, last Edition, 1860). The term '*all suits*' in Section 25 Act IX of 1850 might therefore be held to confer a more extended jurisdiction than that enjoyed by the County Courts. Any demand not exceeding the sum of five hundred rupees, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will, can also be tried in these Courts of Small Causes. This, it will be remembered, was the first equity jurisdiction conferred by the Act of 1846 on the English County Courts. The Judges of these courts in the Presidency Towns were also invested with the powers of Act VII of 1847 to regulate distresses for small rents in Calcutta, and these powers were extended to five hundred rupees, and a similar jurisdiction to that enjoyed by the County Courts with respect to the recovery of the possession of houses, lands, and tenements, was also provided for. Section 25 enacted that every defence which would be deemed good in the Supreme Court, sitting as a Court of Equity, shall be a good bar to any legal demand in the Court of Small Causes. This went beyond the provisions of the English Acts, under which the right to plead or reply equitable pleas and replications, given by the Common Law Procedure Act 1854, has not yet been extended to the suitors in County Courts, though Lord Brougham and others, whose opinions are entitled to consideration, have advocated the extension. In other respects, as we shall presently see, the Act for Courts of Small Causes in the Presidency Towns followed the English Acts in most respects, though not without modifications and alterations. In these courts in India as in the County Courts at home, *the evidence of the parties and their wives* was first admitted. It was not till the following year 1851, that the evidence of the parties, and not till 1853 that *that* of their husbands and wives, was rendered generally admissible at home, a privilege extended to India by Act II of 1855. Even yet this privilege is not freely allowed in all cases, and while we write, a Bill, introduced in the House of Commons

for making parties to a Divorce capable of giving evidence, has been negatived.

Exactly *ten* years after the establishment of Courts of Small Causes in the Presidency Towns, the system was extended to the Mofussil by Act XLII of 1860, which was subsequently amended by Act XII of 1861 and Act II of 1862 of the Bengal Council. The consolidating Act XI of 1865 now in force repealed Act XLII of 1860 and XII of 1861. The Bengal Act II of 1862 has not yet been rescinded, though its provisions have been incorporated in Act XI of 1865, Sections 8—11. The jurisdiction of Mofussil Courts of Small Causes will be best understood, its defects perceived, and advisable improvements therein suggested, from a close comparison with the jurisdiction of the County Courts, which will be well considered under the following heads:—

- I. Ordinary or General Jurisdiction.
- II. Extraordinary Jurisdiction.
- III. Concurrent Jurisdiction.
- VI. Exclusive Jurisdiction.
- V. Limitation of Jurisdiction.

1. The ordinary jurisdiction of the English County Court now extends to the recovery of *any debt, damage, or demand not exceeding the sum of fifty pounds, whether on balance of account or otherwise, or after an admitted set-off.* The original County Court Act (9 & 10 Vict. cap. 95,) contained the general words, '*whether on balance of account or otherwise.*' It was ruled that these words confined the operation of the Act to cases where there was either *an ascertained and settled balance of accounts or a reduction of a claim by actual payment*, and that there was no jurisdiction when the claim was reduced to fifty pounds or under by an offer to allow a set-off, or even to cases where the plaintiff admitted and proved that the defendant was entitled to such set-off. In fact, to plead a set-off it must have been shewn that the parties themselves had agreed to treat the matter thereof as part payment. This was however remedied by the 19 & 20 Vict. cap. 108, which gives jurisdiction where a balance of not more than fifty pounds remains *after an admitted set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff.* Where therefore '*the plaintiff admits the set-off*', says Mr. Davis, '*and proves that it has been either claimed or is by law recoverable by the defendant, there is jurisdiction, for it appears to be clear from the context, that the words 'admitted set-off' refer to an admission by the plaintiff and not by the defendant.*' Mr. Broom, on the contrary, considers that the words refer to an admission by the defendant, and that such an admission must

have been made in order to give jurisdiction. The distinction is material.\* The Act for the establishment of Courts of Small Causes in the Presidency Towns contains only the words of the old County Court Act, 'whether on balance of account or otherwise,' and the 500 rupees jurisdiction of these courts would seem to be limited in this respect, as was that of the County Courts before the passing of 19 & 20 Vict. cap. 108. By Act XXVI of 1864, Section 2, the jurisdiction of the Courts of Small Causes in the Presidency Towns was extended to the *recovery of any debt, damage, or demand exceeding the sum of five hundred rupees, but not exceeding the sum of one thousand rupees, and to all actions in respect thereof*. The general language of these words excludes all limitation of the nature of that above pointed out, but as we shall see hereafter, this is not the only point in which the jurisdiction conferred by Act XXVI of 1864 differs from the former ordinary jurisdiction of these courts.

Under Section 6 Act XI of 1865, the jurisdiction of Mofussil Courts of Small Causes embraces *claims for money due on bond or other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage or demand does not exceed in amount or value the sum of five hundred rupees, whether on balance of account or otherwise*. The words 'whether on balance of account or otherwise' are here used as in the first County Court Act. We think the amendment of the 19 & 20 Vict. cap. 108 would have been well introduced into this Act and into Act XXVI of 1864. There is no doubt that the jurisdiction we allude to was originally intended to have been conferred on the County Courts at home: and when the words chosen were ruled not to convey the meaning intended, the defect was at once amended and ought to be similarly amended in India.

Section 63 of the 9 & 10 Vict. cap. 95 runs as follows:—  
'And be it enacted that it shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more suits in any of the said Courts, but any plaintiff having a cause of action for more than twenty pounds (fifty pounds by 13 and 14 Vict. cap. 61 Section 4,) for which a plaint might be entered under this Act, may *abandon the excess*, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding twenty (fifty) pounds; and the judgment of the Court upon such plaint shall be in full discharge of all demands in respect of such cause of action, and entry of the judgment

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\* Compare Davis' Practice and Evidence of the County Courts, third Edition, page 3, with Broom's Practice of the County Courts, pages 51-52, and Commentaries on the Common Law, page 62.

'shall be made accordingly.' The obvious necessity of a provision such as this must be apparent, when a limited pecuniary jurisdiction is conferred on any class of courts. Section 341 Act IX of 1850 contains a provision exactly similar for the Courts of Small Causes in the Presidency Towns, in respect of their five hundred rupee jurisdiction, and this has been extended by Section 6 Act XXVI of 1864 to their one thousand rupee jurisdiction. The Mofussil Act contains no similar provision, but in practice, parties are allowed to abandon the excess and sue for Rs. 500. The rule is however applicable to the ordinary Civil Courts of the country, and is in prospective made applicable to Courts of Small Causes by Section 16 of the new Code of Civil Procedure, which has not yet however become law. Whether the abandonment of the excess should be stated in the summons is a moot point. Mr. Davis remarks;—'It is sufficient if the plaintiff *at the trial* abandons the excess, and an entry be made on the particulars of demand to that effect, and it is not necessary that notice should be given in the summons or otherwise of his intention. Nevertheless, the plaintiff *ought* to enter the abandonment on the summons before service, so that the defendant may have the opportunity of settling the action without attending to compel the plaintiff to abandon the residue, and his omitting to do so may induce the Judge to disallow the plaintiff his costs'; and elsewhere he recommends that he ought to be made to pay the costs in such case. The abandonment must however be mentioned in the particulars of demand filed when commencing the action (35th Rule of Practice), and as a copy of the particulars of demand (where they are required) is served on the defendant, he always has such notice in fact. Under the Procedure of the Courts of Small Causes in the Presidency Towns, the abandonment must be stated in the summons (Section 34 Act IX of 1850). The Act for the Mofussil Courts contains no provision on the point, nor is any rule laid down in the new Code of Procedure, but as the abandonment would of necessity be shewn in the plaint, the summons would only issue for the excess.

II. Under the extraordinary jurisdiction of the County Courts we shall treat, *1st*, of jurisdiction by consent: *2nd*, of their jurisdiction as to balances of partnership accounts and legacies: *3rd*, as to their particular jurisdiction in other matters.

*1st*.—Under the 13 & 14 Vict. cap. 61, Sec. 17, the parties might *by consent* confer a jurisdiction on the County Courts, notwithstanding the amount of the claim exceeded £ 50, but the power of the parties to confer this jurisdiction did not extend to actions for malicious prosecution, or for libel, or for slander, or for seduction, or for breach of promise of marriage.

The County Court Commissioners were soon however in favour of an extension of the *consent-jurisdiction*, and accordingly Section 23 of 19 & 20 Vict. cap. 108 contains the following provision :—‘The County Courts shall not have jurisdiction to try any action for criminal conversation; but with respect to *all other actions* which may be brought in any Superior Court of Common Law, if both parties shall agree by a memorandum, signed by them or their respective attornies, that any County Court named in such memorandum shall have power to try such action, such County Court shall have jurisdiction to try the same.’ No consent-jurisdiction was at first conferred on the Courts of Small Causes in the Presidency Towns. In fact, when Act IX of 1850 was passed, this jurisdiction was not enjoyed by the County Courts at home. Recently however by Section 3 Act XXVI of 1864, it was enacted that ‘if both parties shall agree by a memorandum, signed by them, and filed with the clerk of Court of Small Causes, that the said court shall have power to try any action (*not included in the proviso in Section 25 Act IX of 1850*), in which the debt or damage claimed or value of the property in dispute, whether on balance of account or otherwise, shall exceed the sum of one thousand rupees, then and in such case the said court shall have jurisdiction to try such action.’ The exceptions in the italicised parenthesis are suits concerning the revenue, suits arising out of acts done by order of the Executive Government or of the judicial authorities, and suits for libel or slander. The consent-jurisdiction of the Courts of Small Causes in the Presidency Towns differs therefore in respect of these suits from that now enjoyed by the County Courts.

The Act for the Mofussil Courts of Small Causes contains no provision for a consent-jurisdiction, and herein we think this law could well be improved. There is no country in the world, where the number of suits brought in a court depends more than in India on the character and ability of the judicial officer who presides therein, and on the amount of faith and confidence which the natives have in him. The curious expedients by which a native will manage to bring the point he wants settled into the Court in which he has confidence, are well known to those practically acquainted with the litigation of this country. If two men, for instance, are disputing about a plot of land, the right to which could only be finally and conclusively settled in the regular courts, the plaintiff resorts to a suit for damages for carrying away the crop, and brings his action in the Court of Small Causes. This puts the question of title in issue, the decision upon which being only incidental is not binding between the parties further than that particular case. But in many



instances they are not aware of this; and where they are, the victory of either generally keeps both quiet for a time. It is a well-known fact also, that a native having a case or a number of cases to institute, will go to court for a day or two to see how the *hakim* does business, and if he is not inspired with confidence by what he hears and sees, he will even forego a portion of his claim and settle with his adversary, rather than risk the whole by resorting to a tribunal in which he has not faith. A consent-jurisdiction would, we believe, be a boon to many of this class. It would show the estimation in which the public held any particular Judge of a Court of Small Causes. It would give more work to many courts which now have not a sufficiency for a single Judge: and it would be a capital practical test of how far the Indian public favour the institutions of courts from which there is no appeal, for the decision in cases in which jurisdiction was given by consent should be final and decisive.

2nd.—The jurisdiction of the County Courts extends to the recovery of any demand not exceeding £ 50, which is the whole or part of the *unliquidated balance of a partnership account; and the amount or part of the amount of a distributive share under an intestacy or of any legacy under a will.* We have already mentioned this as the first equitable jurisdiction conferred on the County Courts. The action for the unliquidated balance of a partnership account will only lie on the final balance of accounts, and not during the continuance of the partnership. *It will however clearly lie, although no balance had been struck between the parties.* The plaintiff must prove—1st the partnership; 2nd the dealings on which the claim is founded, and 3rd the termination or dissolution of the partnership entitling him to sue. In an action for a distributive share under an intestacy, or a legacy under a will, the plaintiff must prove, in the former case that he is one of the deceased's next of kin under the Statute of distributions, and in the second case that he is entitled under the will. Where a testator devised to his son certain free-hold and leasehold lands on condition of paying four shillings a week to his mother, this was held not to be a legacy within the meaning of the Act. A somewhat similar case was recently decided by the Calcutta High Court, in which it was ruled that a suit for maintenance, founded on a somewhat similar clause in a will, would not lie in a Mofussil Court of Small Causes. It must however be observed that this latter jurisdiction is ousted when the validity of the bequest is called in question.

The 32nd Section of Act IX of 1850 confers a jurisdiction, similar to that just noticed, on Courts of Small Causes in the

Presidency Towns, which is further extended to the limit of one thousand rupees by Section 6 Act XXVI of 1864. Clause 1 Section 6, Act XI of 1865 expressly excludes the jurisdiction of Courts of Small Causes *in the Mofussil* on a balance of partnership account, *unless the balance shall have been struck by the parties or their agents*. The difference between this provision and that of the English Act will at once appear from the words we have italicised here and above. If the partnership has been determined or dissolved, there is no good reason why the striking a balance should be a *sine quâ non* to give jurisdiction. This useless provision keeps a number of cases out of a Court of Small Causes, which could be well decided therein. Very many of them include partnerships in a single venture or a single transaction, such as taking a cargo of rice or jute or cotton to a large market, the accounts of which are simple and could easily be dealt with under the summary procedure of these courts. We would strongly recommend a change in the law on this point. Under Clause 2 Section 6 Act XI of 1865, no suit can be brought in a Mofussil Court of Small Causes 'for a share or part of a share under an intestacy, or for a legacy 'or part of a legacy under a will.' We do not object to this restriction so far as it concerns the cases of Hindoos and Mahomedans, whose laws of succession and inheritance are not codified and systematised; but we think the restriction ought to be removed so far as it relates to persons subject to the law of succession contained in the 'First Chapter of the Indian Civil Code.'

3rd.—We have already mentioned the *particular* jurisdiction of the County Courts in other matters, *viz.* in case of disputes in Friendly Societies, in Charities, Insolvency, Bankruptcy, &c. The *particular* jurisdiction of Courts of Small Causes in the Presidency Towns, embraces interpleader suits, and suits for the recovery of tenements, houses, and lands, of which the value or the rent payable in respect whereof does not exceed the rate of one thousand rupees per annum. (Section 5 Act XXVI of 1864). This jurisdiction corresponds to that vested in the County Courts by 19 & 20 Vict. cap. 108, Section 50, which however only extends to the limit of £50. The Mofussil Courts of Small Causes possess no similar jurisdiction, nor except in some few large towns, such as Patna, Allahabad, Cawnpore, and Delhi, is there much need for its exercise. These latter courts do not in other respects possess any *particular* jurisdiction in special matters. The enforcement by execution of bonds specially registered under the Registration Act falls within the limits of their regular work. The Local Government may extend the ordinary jurisdiction of

any Mofussil Court of Small Causes to one thousand rupees, and this might, in one way, be termed their extraordinary jurisdiction, though it is more properly an extension of their ordinary or general jurisdiction. Sections 51 and 52 Act XI of 1865 provide that the Judge of a Court of Small Causes may be invested with the powers of a Principal Sudder Ameen, or of a Magistrate, or of a Collector in Rent Suits, with the exception of the power to hear appeals. This however is rather vesting separate jurisdictions in the same person, than giving an extraordinary jurisdiction to a Court of Small Causes. When property seized in execution of a decree is claimed by third parties, these courts have power to adjudicate upon the claim in a summary manner. Their decision is not however final, and a regular suit may be brought to enforce the claim afterwards. In this respect there is a distinction between these Courts and those in the Presidency Towns, whose decisions in interpleader cases are final.

III. The Concurrent Jurisdiction of the County Courts arises in the following manner. Although parties may, if they please, proceed in the County Courts for the recovery of such claims as are within their jurisdiction, they are not by law prohibited from bringing actions for these demands in the superior Courts. In certain cases their doing so involves the loss of costs even to a successful party, but in other cases the action may be brought without danger to costs before either the inferior or the superior tribunal. This latter class of cases is that generally given as comprising the concurrent jurisdiction of the County Courts. The superior and inferior tribunals have a concurrent jurisdiction without danger to costs; 1st, *Where the plaintiff dwells more than twenty miles from the defendant*, 2nd, *Where the cause of action did not arise wholly or in some material part within the jurisdiction of the court, within which the defendant dwells or carries on his business at the time of the action brought*. As to the exact meaning to be assigned to the words 'material point,' there has been a considerable amount of discussion, to enter into which would be beside our present purpose, as the expression does not occur in the Indian Acts.—3rd, *Where an officer of a County Court is a party, the superior and inferior Courts have a concurrent jurisdiction*. The expediency of this last provision is so obvious that we need not discuss it. In connection with the same point we may mention the provisions of 19 & 20 Vict. cap. 108, Sections 19 & 21, under which the Judge or any officer of a County Court can sue or be sued in any adjoining district of a different Judge. In the Act for Mofussil Courts of Small Causes there is no similar provision; and as no man can be a Judge in his own

case, a Judge of a Court of Small Causes can neither sue or be sued in respect of any cause of action falling within the jurisdiction of his own court. As the law now stands indeed it is possible for the High Court to order a trial in another district, but there ought to be no necessity for obtaining such permission. If Section 15 of the proposed new Code of Civil Procedure become law, the above power will cease to exist, and absolutely and truly the Judge of a Court of Small Causes will be denied justice, and will be above the law in respect of matters falling within the jurisdiction of his own court.

The Courts of Small Causes in the Presidency Towns have no concurrent jurisdiction exactly similar to that just noticed, under which in certain cases a suit may be brought in either court without risk of costs. At the same time, as under the County Court System, all suits cognizable by these courts are also cognizable by the High Courts. Courts of Small Causes in the Mofussil have, strictly speaking, no concurrent jurisdiction, inasmuch as '*no suit cognizable by such court shall be heard or determined in any other court having jurisdiction within the local limits of the jurisdiction of such Court of Small Causes,*'—(Section 12, Act XI of 1865.) A quasi concurrent jurisdiction may, however, arise in the following way. By Section 8, Courts of Small Causes may try all suits cognizable thereby, 'if the defendant at the time of the commencement of the suit shall dwell, or personally work for gain or carry on business within the local limits of the jurisdiction of such court; or if the cause of action arose within the said local limits, and the defendant, at the time of the commencement of the suit, shall by his servant or agent carry on business or work for gain within those limits.' In the latter case it is clear that the defendant might be sued in any other district in which he personally resided, and if there were no Courts of Small Causes in this district, the plaintiff would have his choice of two tribunals,—one from which there was no appeal, and the other from which there would be an appeal.

IV. We now come to what has been termed the Exclusive Jurisdiction of the County Courts, although strictly speaking, as Mr. Broom remarks, (Commentaries, page 60) these courts possess no jurisdiction altogether exclusive of that belonging to the higher tribunal. Section 11 of 13 & 14 Vict. cap. 61 is as follows:—'And be it enacted that if in any action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record in covenant, debt, detinue or assumpsit *not being an action for breach of promise of marriage,* the plaintiff shall recover a sum not exceeding £20; or if in any action commenced after the passing of this Act in any of Her

'Majesty's Superior Courts of Record in trespass, trover, or case *not being an action for malicious prosecution or for libel or for slander or for criminal conversation or for seduction*, the plaintiff shall recover a sum not exceeding £ 5, the plaintiff shall have judgment to recover such sum only and no costs, except in the cases hereinafter provided, and except in the case of a judgment by default; and it shall not be necessary to enter any suggestion on the record to deprive such plaintiff of costs, nor shall any such plaintiff be entitled to costs by reason of any privilege as attorney or officer of such court or otherwise.' Those actions in which a plaintiff would be so deprived of costs may be treated, says Mr. Davis, as constituting the *exclusive jurisdiction* of the County Court. The costs may however be recovered where they otherwise could not, if the Judge or other officer who presided at the trial will certify on the back of the record, that it appeared to him at the trial that the cause of action was one for which a plaint could not have been entered in the County Court, or that there was a sufficient reason for bringing the action in the court in which it was brought. With respect to a *judgment by default*, it was subsequently enacted by 19 & 20 Vict. cap. 108, in accordance with the recommendation of the County Court Commissioners, that 'where an action of contract is brought in one of Her Majesty's Superior Courts of Record to recover a sum not exceeding £ 20, and the defendant in the action suffers judgment by default, the plaintiff shall recover no costs, unless upon an application to such court or to a Judge of one of the Superior Courts, such court or Judge shall otherwise direct'. This relates only to *judgments by default in actions of contract*. Those in actions of *tort* are still governed by the former law.

A provision similar to that we are now discussing was inserted in Act IX of 1850 (Section 104) only that the amounts were fixed at Rs. 500 in contract, and Rs. 100 in tort. To meet the extended jurisdiction of these courts in the Presidency Towns, Section 9 Act XXVI of 1864 enacts that 'if any action shall after the passing of this Act be commenced in the High Court for any cause other than those specified in Section 100 of Act IX of 1850 (suits in which an officer of the court is a party), for which a summons might have been taken out from a court held under the said Act IX of 1850 or under this Act, and in which such court would have had jurisdiction, and if a verdict shall be found for the plaintiff for a sum less than one thousand rupees, *if the said action is founded on contract*, or less than three hundred rupees *if it is founded on wrong*, the plaintiff shall have judgment to recover such sum only and no costs: and if a verdict shall not

‘ be found for the plaintiff, the defendant shall be entitled to his costs as between attorney and client, unless in either case the Judge who shall try the case shall certify that by reason of the difficulty, novelty or general importance of the case or of some erroneous course of decisions in like cases in the Court of Small Causes, the action was fit to be brought in the High Court.’

The jurisdiction of Mofussil Courts of Small Causes is, as we have already pointed out, *entirely exclusive*, and this is one of the great points of difference between these and the cognate institutions in the Presidency Towns, which however resemble in this respect the English County Courts. In the Mofussil, were a case of great general importance, of small amount but involving a principle upon which depended a hundred cases and an aggregate of half a lakh of rupees, to be wrongly decided; or were there a whole course of erroneous decisions, injustice to a great extent could be perpetrated, if a judge refused to make a reference to the High Court. How useful would be a provision enabling a plaintiff *on prima facie proof of error* in the previous decision of a Court of Small Causes to obtain leave to sue in another court!

V. The question of Limitation of Jurisdiction involves several points of difference between the three classes of courts we are comparing. By Stat. 9 & 10 Vict. cap. 95, Sec. 58 ‘*the County Courts have no cognizance of any action of ejectment, or in which the title to any corporeal or incorporeal hereditaments or to any toll, fair, market or franchise shall be in question, or in which the validity of any devise, bequest or limitation under any will or testament may be disputed, or for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage*’. It will be remembered however that in all the above cases, except the now obsolete action for criminal conversation, the County Court will have jurisdiction, *if both parties consent*.

With respect to title, in order to deprive the County Court of jurisdiction, there must really be a *bona fide* dispute; and the mere assertion of the one party or the other will not be sufficient. Similarly in this country, the mere denial of the relation of landlord and tenant and assumption of a proprietary right will not suffice to oust the jurisdiction of a Collector or Deputy Collector in cases under Act X of 1859. The existence of such a relation should first be judicially settled. The above provision as to trying questions of *title* was subsequently modified by 19 & 20 Vict. cap. 108, Sec. 25 which provides that where such a question arises *incidentally* in any action, the Judge with the consent of the parties shall have power to decide the point with reference to the claim in hand; but his decision thereon shall

not be evidence of title between the parties or their privies in any other case.

The Acts for Courts of Small Causes both in the Presidency Towns and in the Mofussil contain no prohibition as to trying questions of *title*. Accordingly it has been judicially settled that in the latter courts incidental questions of title may be disposed of, but the decision shall have no force beyond the case in which the point was raised.

The limitation to the jurisdiction of the Courts of Small Causes in the Presidency Towns extends to '*any matter concerning the revenue or concerning any act ordered or done by the Governor or Governor-General or any member of the Council of India or of any Presidency in his public capacity, or done by any person by order of the Governor-General or Governor in Council, or concerning any act ordered or done by any Judge or Judicial Officer in the execution of his office, or by any person in pursuance of any judgment or order of any such Court or any such Judge or Judicial Officer; or in any suit for libel or slander.*' Comparing this with the above quoted Section of the County Court Act, it will be apparent that actions for malicious prosecution, for seduction and for breach of promise of marriage, which *cannot* be tried in the County Courts without consent of parties, *can* be tried in the Courts of Small Causes at the Presidency Towns without any such consent.

The limitation to the jurisdiction of the Mofussil Courts has been already noticed in as far as it relates to a balance of partnership account, and a share under an intestacy or a legacy under a will. Claims for the rent of land and other claims capable of being enforced in the Revenue Courts, are also excluded from the jurisdiction of a Court of Small Causes, unless the Judge thereof has been invested with the powers of a Collector. No suit for damages on account of an alleged *personal injury* will lie in these courts, unless '*actual pecuniary damage shall have resulted from the injury*'—cases of '*general damage*' therefore are excluded from this tribunal, and actions for defamation or malicious prosecution or assault, where no actual injury has been received, could not be brought.

There is one point more which deserves attention with respect to limitation to the jurisdiction of the County Courts. In accordance with the suggestions of the County Court Commissioners Section 39 Stat. 19 & 20 Vict. cap. 108 enacts that '*if in any action of contract the plaintiff shall claim a sum exceeding £20, or if in any action of tort the plaintiff shall claim a sum exceeding £5, and the defendant shall give notice that he objects to the action being tried in the County Court,*

' and shall give security, to be approved of by the Registrar for the amount claimed, and the costs of trial in one of the superior courts of Common Law, not exceeding in the whole the sum of £150, all proceedings in the County Court in any such action shall be stayed; but if in any such action the defendant do not object to the same being tried by the County Court, or shall fail to give the security aforesaid, the County Court shall dispose of the cause in the usual way.' Here again is a method whereby a defendant, *bonâ fide* wishing to obtain the opinion of a superior court on a doubtful case, and not intending merely to gain time and harass his opponent, can move the matter in dispute to a higher tribunal. We do not however think that this machinery would suit the requirements of this country. The percentage of cases in which parties come into court, merely because they have an honest doubt as to their rights, forms a very small proportion of the whole number of suits in India, a large number of which would never be instituted, did not the natives trust to the chances of the law to get rid of a just claim. While dishonesty like this prevails, no means should be afforded of delaying the adjustment and decision of money claims. Any device, therefore, for subjecting to the supervision of a higher tribunal the decisions of Courts of Small Causes, should be applied after judgment.

We have under the preceding *five heads* noticed many points of distinction between the systems of the courts under review. We shall now discuss some few other matters in which there is a radical difference in the constitution and procedure of these courts. And first with respect to the power of APPEAL. There is no appeal under the Indian Acts in any case from the decision of a Court of Small Causes, which is final and conclusive between the parties. (Section 53 Act. IX of 1850, and Section 21 Act XI of 1865.) Under the English County Act on the contrary, there is by Stat. 13 & 14 Vict. cap. 64, Sec. 14 an appeal, when the debt, damage, or demand exceeds £20 but does not exceed £ 50, if either party be dissatisfied with the determination or direction of the court in point of law, or upon the admission or rejection of any evidence.

The appeal lies to the superior courts of Common Law at Westminster, and must be heard and determined in term by the Judges of the superior courts, as part of the ordinary business of such court, or out of term by any two or more of the Judges of said superior courts sitting as a Court of Appeal for that purpose. Notice of the intention to appeal must be given within *ten days* of the decision, and security for the costs of the appeal must also be provided. The appeal must be in the form of a



case agreed upon by both parties or their attorneys ; and if they cannot agree, the Judge of the County Court must settle the case and sign it. As a sort of substitute for the right of appeal which has been taken away or rather not conferred by the Indian Acts, the Judges of Courts of Small Causes may, in their discretion, reserve any question of *law or equity* on which they entertain doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the Judges of the High Court, and shall give judgment contingent upon the opinion of the said High Court on a case, which they shall thereupon be entitled to state to the said court. If only two Judges sit together, and shall differ in opinion, the question upon which they differ *shall* be so referred. (Section 55 Act IX of 1850.) In actions for an amount less than Rs 500, it is discretionary with a single Judge to make a reference or not ; but when two Judges sitting together differ in opinion, a reference is necessary. In cases where the amount sought to be recovered exceeds Rs 500, the rule is however different (Section 7 Act XXVI of 1864), for not only any question of law or equity but also *any question as to the admission or rejection of any evidence*, as to which they shall entertain any doubts, or *which they shall be requested by either party to the suit to reserve*, must be reserved for the opinion of the High Court. Similarly Section 22 of the Act for Mofussil Courts of Small Causes enacts that, ‘ If in the trial of any suit ‘ under this Act, any question of law or usage having the force ‘ of law, or any question as to the construction of a document which ‘ construction may affect the merits of the decision shall arise, the ‘ Court in suits for an amount not exceeding five hundred rupees ‘ MAY, either of its own motion or on the application of any of ‘ the parties to the suit ; and in suits for an amount greater than ‘ five hundred rupees, SHALL draw up a statement of the case and ‘ refer it, with the Court’s own opinion, for the decision of the High ‘ Court.’ Now, first, it will be observed the grounds of reference are different here from those contained in either of the Acts relating to the courts at the Presidency Towns, and no reference can be made as to the *admission or rejection of evidence*, as to which the most egregious blunders are daily made in the courts in the Mofussil. Then again, only points that arise *at the trial* can be referred. Important points may, and often do arise in execution-proceedings which cannot be referred, as recently ruled no doubt in strict accordance with the letter of the law. We think that the whole Section should be altered so as to include these omissions. The reference is to be made with a statement of *the court’s own opinion* ; but in a case stated for appeal from a County Court, the reasons given by the Judge for his decision, or the

observations which he may have made by way of foundation for his judgment, should not be stated. The case ought merely to state the facts and the Judge's determination or direction in point of law. (Broome's Practice of the County Courts, page 251.)

When a Judge is mistaken on a point of fact, the only remedy open to a suitor is a *new trial*. Under the County Court Acts, an application for a new trial may be made and determined on the day of hearing; or an application may be made at the first court holden ~~at~~ the expiration of twelve clear days from such day of hearing, provided the intended applicant seven clear days before the holding of such court delivers to the Registrar at his office, and also serves on the opposite party a notice in writing, stating that such an application is intended to be made at such court, and setting forth shortly the grounds of such intended application. If the Judge once refuse to grant a new trial, his power in this respect is at an end, and he cannot entertain an application for it or grant it afterwards, even if he wishes to do so in consequence of changing his mind. (*The Great Northern Railway Company vs. Massap*—25. L. I. (N. S.) C. P. 22.) Similarly under the Act for the courts in the Presidency Towns, a Judge in every case whatever has the power, if he shall think fit, to order a new trial to be had upon such terms as he shall think reasonable, and in the meantime to stay the proceedings (Section 53 Act IX of 1850); so also under the Act for the Mofussil Courts (Section 21 Act XI of 1865), a new trial may be granted in any case, if notice of the intention to apply for the same be given to the court within the period of seven days from the date of the decision. But a defendant applying for a new trial must deposit the amount of the decree with costs. This latter most salutary provision does not occur in the County Court Acts, or in the Acts for the courts in the Presidency Towns.

The Stat. 9 & 10 Vict. cap. 95, Section 90 provides 'that no plaint entered in any court holden under this Act shall be removed or removable from the said court into any of Her Majesty's superior courts of record by any writ or process, unless the debt or damage claimed should exceed £5,' and then only by leave of a Judge of one of the said superior courts in cases which shall appear to the Judge fit to be tried in one of the superior courts, and upon such terms as to payment of costs, giving security for debt or costs, or such other terms as he shall think fit. In accordance with the recommendation of the County Court Commissioners, who justly remarked that 'difficult questions of law other than those excluded from the jurisdiction of the court may arise, or such questions may be so mixed with questions of fact, as not to be conveniently separated,

and yet the amount in dispute may not exceed £ 5,' the limitations of this provision to claims above £ 5 was removed by the 18 & 19 Vict. cap. 108, Sec. 38. The grounds upon which an application for a writ of *certiorari* to remove a plaint into a superior court is made, are generally that difficult questions of law are likely to arise upon the trial. Section 54 Act IX of 1850 contains a provision similar to the above for the Courts of Small Causes in the Presidency Towns, but no writ of *certiorari* can be applied for, unless the debt or damage or value of the property claimed exceed *one hundred rupees*. There is no similar provision for the Courts of Small Causes in the Mofussil.

It has been laid down as an admitted principle, that no court of limited jurisdiction can give itself jurisdiction by a wrong decision on a point collateral to the merits of the case upon which the limit to its jurisdiction depends. If therefore a suit were instituted in a County Court, in respect of which such court had no jurisdiction, or if a plea of non-jurisdiction were improperly over-ruled at the hearing, a writ of prohibition will issue from the superior Court to stop proceedings (15 & 16 Vict. cap. 54, Sec. 22). In order to obtain such a writ before trial, the applicant must shew not merely that the claim *may* involve a question beyond or out of the jurisdiction of the County Court, but that it *must* necessarily do so. This writ may be had after judgment to stay execution, but it will never be granted where the Judge of a County Court makes a mistake of law or fact in a matter within his jurisdiction. There is no provision similar to this contained in any of the Indian Acts.

With respect to the persons who are subject to the jurisdiction of these courts, there are some points of difference. A County Court summons may issue in any district in which the defendant or one of the defendants shall  *dwell or carry on his business at the time of the action brought*; OR, *by leave of the Court* for the district in which the defendant or one of the defendants shall have dwelt or carried on his business at some time within *six calendar months next before* the time of the action brought, or in which the *cause of action* arose, such summons may issue in either of such last mentioned Courts (9 & 10 Vict. cap. 95, Sec. 60.) Similarly by Section 28 Act IX of 1850, all persons shall be deemed within the jurisdiction of the Courts of Small Causes in the Presidency Towns, who dwell or carry on their business or work for gain within the district of the court at the time of bringing the action; OR, who did so dwell or carry on their business or work therein at the time when the cause of action arose, or within six months before the time of bringing the action for causes of action

which arose within the same period. It will be perceived that *a dwelling or carrying on business or working for gain* at some period within the district of the court is a *sine quâ non* to give jurisdiction under the above, whereas under the County Court Act (third Clause of the Section quoted above,) a summons might by leave of the court issue in the district in which the *cause of action* arose, even though the defendant may never have dwelt or carried on his business therein. Again, the leave of the court is in no case required under the Indian Act. The wording of the Act for the Mofussil Courts (Section 8 Act XI of 1865) differs from both those already noticed. These courts have jurisdiction 'if the defendant at the time 'of the commencement of the suit shall dwell or personally work 'for gain, or carry on business within the local limits of the 'jurisdiction of such court; OR, if the cause of action arose 'within the said local limits, and the defendant, at the time of 'the commencement of the suit, shall by his servant or agent 'carry on business or work for gain within those limits.' *Dwelling or carrying on business within the district of the court at the time of the commencement of suits* is under this Section necessary to give jurisdiction, though it would not be under the Act for the Presidency Towns. Under the English Act, it was held in the case of *Macdougall vs. Paterson*, 11, C. B. 755, that when a person has a permanent place of dwelling, he cannot be said to *dwell* at some other place where he has lodgings for a temporary purpose only. The first explanation to Section 8 Act XI of 1865 however enacts that 'where a person has a permanent dwelling at one place and also a lodging at another place 'for a temporary purpose only, he shall be *deemed to dwell at both 'places in respect of any cause of action arising at the place where 'he has such temporary lodging*'. He will not however be deemed to dwell at both places, so as to give jurisdiction in respect of any cause of action arising at the place where he has his permanent dwelling.

A difference in the mode of commencing suits may also be noticed. Under the County Court Procedure, the plaintiff states *vivâ voce* or in writing to the Registrar or his clerk, his own name and residence and also those of the defendant, together with his cause of complaint. If the amount sought to be recovered exceed £2, a statement of the particulars of demand for each defendant and an additional copy to be filed must be delivered. The court fees are paid in cash. A similar mode of procedure obtains in the Courts of Small Cause in the Presidency Towns. In the Calcutta Court the application for summons must always however be in writing. In the Mofussil

courts the plaint containing all the necessary particulars is written on stamp paper, which is purchased from licensed vendors ; and the amount of the stamp represents the institution fee, and also in some places the cost of process, which elsewhere is paid in cash.

Under the County Court Acts, an *infant* may sue in his own name for wages or piece-work or for work as a servant. For any other cause of action he must procure some *next friend*, who will undertake to be responsible for costs. Under the Act for Courts of Small Causes in the Presidency Towns (Act IX of 1850, Sec. 31), any minor may prosecute a suit for any sum of money not greater than Rs. 500, which may be due to him for wages or piece-work or for work as a servant, in the same manner as if he were of full age. There is no provision as to other cases. The Act for Courts of Small Causes in the Mofussil has no provision whatever on the subject. The omission ought to be remedied.

The County Courts Act (9 and 10 Vict. cap. 95, Sec. 68) enacts that, 'where any plaintiff shall have any demand recoverable against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment may be obtained, and execution issued against the person or persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the court, and every such person, against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover in the County Court under this Act contribution from any other person jointly liable with him.' The Act for the Presidency Towns contains a provision exactly similar (Section 36 Act IX of 1850), but it is not found in the Act for these courts in the Mofussil. The necessity of such a provision would however appear from some Punjab rulings in which the right to sue for contribution has been confounded with partnership. Section 61 of the contemplated new Code of Civil Procedure allows one or more of several defendants to be sued, when the others are resident out of the jurisdiction. It does not however confer a right to sue for contribution, which, to prevent mistakes, we think it should.

When a defendant wishes to make any of the following defences, *viz.* Set-off, Infancy, Coverture, Statute of Limitation, or Discharge under any statute relating to bankrupts or insolvent debtors, he must give five days' notice into Court, setting forth therein the particulars of his plea ; if he fail to give such notice, he will not be entitled to plead these defences, though

the Judge on good cause shewn may order a postponement in order to enable service to be made, The 19th Rule of Practice for the Calcutta Court of Small Causes directs that, 'when a defendant intends to rely on the special defence of infancy, coverture, the Statute of Limitation, or his discharge under the statute relating to insolvent debtors, he must be *personally present in court on the day of appearance to the summons, and orally plead such defence before the Judge*; or if unable to attend by reason of illness or other allowable cause of absence, he must state in writing such special defence to the clerk at the time of his appearance.' The object of this rule is not very apparent, and to any one but a lawyer there might be some difficulty in understanding how a person, who was *unable to attend*, could state his defence in writing *at the time of his appearance*. We presume this latter phrase is synonymous with 'the time fixed for his appearance'. It will be noticed that set-off is not included in this latter list of special defences. There is no corresponding rule for the Mofussil Courts, nor is it required. The facilities of the Penny Post system in England, which has reached a development as yet impossible in this country, enable these and other notices to be served in good time. Their service in this country would require an army of peons, and would be the source of interminable delay.

The next point of difference is the absence of a *jury* in the Indian Courts. The 9 & 10 Vict. cap. 95, Sec. 70 enacts, 'that in all actions where the amount claimed shall exceed £5, it shall be lawful for the plaintiff or defendant *to require* a jury to be summoned to try the said action; and in all actions where the amount claimed shall not exceed £5, it shall be lawful for the Judge in his discretion on the application of either of the parties to order that such action be tried by a jury, &c.' The 297th Section of the contemplated new Code of Civil Procedure provides for the trial of civil suits including those cognizable by Courts of Small Causes with the aid of two or more assessors, when the Local Government extends the provisions of the Section to any district. Under Section 15 Act XXVI of 1864, these provisions could be extended to the Courts at the Presidency Towns. Trial with the aid of assessors is not trial by jury, but it is an approach to it, and we do not think that in this country it will be attended with any success, more especially in the class of cases which come within the jurisdiction of the courts we are discussing. In England, notwithstanding the so-called privilege is allowed, and any attempt to take it away would be looked at as an attack upon the tree of liberty, the

paucity of jury-trials in the County Courts is most remarkable. In 1860, there were only 894 against 387,368 without jury, and in 1861, 923 against 473,351, which gives .23 per cent. in the former year, and .19 per cent. only in the latter year, shewing a decrease of .04 per cent. It would moreover appear that even in England the tendency is now-a-days to under-rate rather than over-rate the once exaggerated value of trial by jury.

Under the Procedure of the English Courts a plaintiff may, on finding the opinion of the court or a jury to be unfavourable or doubtful, elect to be non-suited, *i. e.* he may withdraw from the suit at any time before judgment or delivery of the verdict, reserving to himself the right to sue again in respect of the same cause of action. The English Procedure obtains in the Courts of Small Causes in the Presidency Towns. In the Mofussil, although the Act is silent on the point, yet the Code of Civil Procedure is generally followed, under which a plaintiff withdrawing from a suit must obtain the leave of the court, in order to be enabled to sue again at some future period. That the latter is the most salutary provision for the Mofussil, there can be little doubt. Were a plaintiff permitted to exercise his own option in withdrawing from a case just when he had perceived what was *required* to give him success, there can be no doubt that fabricated evidence would be adduced in too many cases, when again brought to trial.

Under the original County Court Act, the Judge was empowered to make orders concerning the time or times, and by what instalments any debt or damages or costs for which judgment had been obtained should be paid; but, in accordance with the recommendations of the County Court Commissioners, this power was modified by the 19 & 20 Vict., cap. 108, Sec. 45, which enacts that 'where judgment has been obtained in a County Court for a sum not exceeding £20 exclusive of costs, the Judge may order such sum and the costs to be paid at such time or times, and by such instalments, if any, as he shall think fit; and all monies shall be paid into Court; but in all other cases he shall order the full amount for which judgment has been obtained to be paid either forthwith or within fourteen clear days from the date of judgment, unless the plaintiff or his counsel, attorney, or agent, will consent that the same shall be paid by instalments, in which case the Judge shall order the same to be paid at such time or times, and by such instalments, if any, as shall be consented to, &c.,' Under this enactment, the discretion as to ordering payment by instalments is vested in the Judge, only when the sum decreed does not exceed £20

exclusive of costs. Under the Act for Courts of Small Causes in the Presidency Towns (Section 56 Act IX of 1850), the Judges can make instalment orders for the whole sum in respect of which they have jurisdiction. The Act for the Mofussil Courts is silent on the point, but a similar power to that last mentioned is generally exercised by virtue of the provision on the subject contained in the Civil Procedure Code. It has been complained by the British Indian Association, that this power is exercised with too great latitude, and rather with favour to careless and dishonest debtors, than with regard to the interests of creditors. We certainly think there is some truth in the remark, and that the exercise of this power ought to be circumscribed within certain limits. Still we think that the sum decreed ought not to be the indication of those limits. The portion of the debt actually repaid, the proportion of principal to interest in the balance due, the attempts made to liquidate this balance ought to be looked to. An improvident man who borrows money and never troubles himself about repaying it, and a thrifty man driven by necessity to make a loan and prevented by misfortune from repaying it, are not entitled to the same consideration in this respect. Yet the above are scarcely matters which could be controlled by the law. We think however some good might be done by limiting the *time* within which the last instalment should be paid.

There is some difference between the proceedings which can be adopted here and at home to levy the amount of the judgment. Under the County Court Procedure, execution can issue immediately after judgment (except where there is an order fixing the time of payment, and then immediately on failure of payment) against the goods and chattels of the debtor. When these goods and chattels are situate out of the district in which the judgment was obtained, the warrant of execution will be sent to the bailiff of the court within the jurisdiction of which the goods and chattels are to be found. The person of the judgment-debtor cannot, as of right and without further proceedings, be taken in satisfaction, but a judgment-summons may be obtained under the 9 & 10 Vict. cap. 95, Sec. 95, and an order for commitment to prison for any period not exceeding 40 days may be made, if the debtor being summoned shall refuse to be sworn or to answer questions; or if he shall not answer to the satisfaction of the Judge; or if it be made to appear to the Judge that the debtor in incurring the debt or liability has obtained credit under false pretences or by means of fraud or breach of trust; or if he has contracted such debt or liability without having had at the same time a reasonable expectation of being able to



pay or discharge the same; or if he has made or caused to be made any gift, delivery, or transfer of any property, or shall have charged, removed, or concealed the same with intent to defraud his creditors; or if he has had since the judgment the means of discharging his liability, and has failed or neglected to do so. When the judgment-debtor has no goods and chattels (movable property), which can be taken under a warrant of the County Court, if the judgment be for an amount exceeding £20 exclusive of costs, a Judge of one of the superior courts can order a writ of *certiorari* to issue to remove a judgment of the County Court into a superior court, and it will then have the same force and effect, and the same proceedings may be had thereon as in the case of a judgment of such superior court. Arrest on *mesne* process, *i. e.* before final judgment, has been abolished as well in the County Courts as in the Courts of Westminster, unless it can be shewn that the defendant is about to leave the kingdom in order to avoid payment of the debt. Under the Act for the Presidency Towns, execution either against the body or against the goods and chattels of the defaulter can issue immediately after judgment, or after default is made in payment at the time fixed by the judgment. If the debtor quit the jurisdiction before execution, the Judge of any zillah or town where he shall be found may execute the judgment on being furnished with a duly authenticated copy thereof. There is no provision for arrest before judgment, nor any express direction as to moving the judgment into another court if movable property of the debtor could not be found within the jurisdiction of the Court of Small Causes, though the Sections of the Civil Procedure Code, which relate to these matters, could, under Section 15 Act XXVI of 1864, be made applicable. In the Mofussil courts arrest before judgment can be made on good cause shown. Immediately on a decree being passed, execution can issue on a verbal application against either the person or movable property of the debtor. After the sale of the movable property, a certificate of the amount still due can be obtained, which with a copy of the decree being presented to any court of civil judicature having jurisdiction in the place in which the immoveable property of the debtor is situate, execution will issue against such property. The differences in the three systems are obvious. From some ambiguity in the wording of the law, it has been held that movable property out of the jurisdiction of Courts of Small Causes in the Mofussil, cannot be taken in execution of a decree. The ruling in question is certainly only an '*obiter dictum*,' but if correct, there is no doubt that the law should be amended.

We have thus far endeavoured to draw a parallel between the three systems, and to make some suggestions that naturally came to hand in doing so. We shall conclude this article with some remarks as to Courts of Small Causes in the Mofussil, and the future probable success or non-success of these institutions, which must materially depend upon whether or not the improvements, shewn to be necessary by time and experience, will be introduced before, not additions and repairs, but a new structure can alone realise the ideas of the original architect. 'The Magistrate,' says Bentham in his 'Theory of Legislation,' may be considered as a national instructor; and under a vigilant and attentive government, the particular preceptor, even the father himself is but a deputy, a substitute for the Magistrate; with this difference, that the authority of the father has its limit, while that of the Magistrate extends through the whole life. The influence of this cause is immense; it extends to almost everything; in fact, it embraces everything except temperament, race, and climate'. We may talk of schools and missionaries and their labours, but religion will not grow, where the soil of morality exists not; and the increase of knowledge without moral progress is but evil strengthened by a confederacy with science. The Athenian philosophers had, as a class, reached a high degree of moral excellence, before the good that was in them, craving to be united with the spirit of good, led them to erect an altar 'To the unknown God'. In the humble belief of the writer of this article, the courts, the judicial institutions, the magistrates, civil and criminal, and the police, could and ought to be made in this country the special means of teaching the people, of instructing the masses in morality; and this education will for years to come be more effectual, because more *felt* than the voice of the school-master or of the missionary. Not that we would deprecate, stop, or discourage the labours of *these*, but we desire that our legislators should remember that 'to improve the administration of justice, is to improve the means of educating the people'. Courts of Small Causes, which deal with so large an amount of litigation, affecting the lower and poorer classes, could be made the means of imparting this education, and no pains should be spared to put and keep them in the highest state of efficiency for this purpose. The Judge of the Small Cause Court at Allahabad, reporting on the working of his court in 1863, noticed the beneficial effect it had had in checking litigation and *causing prompt payment of debts*. If this institution could render people at Allahabad more punctual in paying their debts, it is not too much to expect that it has

had and will have a similar effect elsewhere. To our own knowledge it has checked a habit of taking advances, working for a day or two, and then absconding without fulfilling the contract on the faith of which money was advanced. If any be inclined to under-rate the value and importance of these tribunals, let him reflect on the following facts. In 1864, more than one-fifth of the entire number of suits in the Punjab was disposed of in five Courts of Small Causes. In 1862, 64 per cent. of the whole number of suits instituted in the Courts of the North-West Provinces were based on bond-debts. The proportion in 1863 was 65 per cent, and in 1864 it again reverted to 64 per cent. Now bond-debts form the great majority of cases disposed of by Courts of Small Causes, and nearly the whole of this vast amount of litigation might be brought before these tribunals, as the cases, in which sums exceeding one thousand rupees are sued for, form but a small proportion of the whole number. And here in passing we may remark on a point connected with the subject of these bond-debts. The Judge of Mynpoorie, in his Civil Report for 1864, expresses himself as follows :—‘The procedure is rather one of renewal of bond, the judgment-creditor being satisfied generally with the investment of his money at 12 per cent. compound interest, with the whole judicial agency of the district for the recovery of his principal and interest, whenever he pleases to take out execution. This process supplies a Government guarantee. Meanwhile the judgment-debtor is content to remain bound hand and foot, the slave of the usurer, from whom he from time to time obtains money to supply his more urgent wants, and never dreams of freeing himself from the thralldom of debt. So long as this is the normal state of the debtor, and I maintain that his condition throughout the country is in a great majority of cases one of hopeless involvement, it is impossible that the civil courts can show any improvement in the execution of decrees. These suits swell the pending files very largely, while the courts are helpless to remedy the evil. The remedy I proposed last year, viz. the refusal of costs to the judgment creditor in such cases of default, which I am glad to find the court approved, is only a palliative; and until the law distinctly requires that a decree shall be leviable only within a period of three years, the present procedure under Section 20 Act XIV, which renders a decree perpetual unless the last farthing be realized, will continue to the great prejudice of the judgment-debtor.’ Now in order to understand this aright, we must bear in mind that, under the law quoted, execution can be taken out at any time within three years, not from the

date of the decree, but from the date of the last execution proceedings. If three years were to elapse without any thing being done, the decree would become barred. Execution is accordingly taken out from time to time. The debtor as soon as his property is seized pays something, all in fact that can be squeezed out of him, and an agreement is entered into for a fresh *kistbundee* or payment by instalments. The parties appear before the court, this *kistbundee* is entered in place of the original decree, and the debtor's property is released to be seized again as soon as he omits to pay the instalments on due dates, which very soon happens owing to his apathy and carelessness. That the Judge of Mynpoorie has not overdrawn the miseries that result from this system, we are from experience quite certain; but we do not approve either of the remedy already tried or of that suggested. Were execution limited to three years after the date of the judgment, creditors would be unfairly deprived of their money in many instances, when the debtor had not the wherewithal to pay within this period, though he might have expectancies, and might in a short time more be able to discharge the debt. For the evil complained of, two remedies have been found and applied with complete success in the Jessore Principal Court of Small Causes. *First*, no new *kistbundeess* are allowed. *Secondly*, no interest is allowed on decrees as a general rule. The use of a court is to enable persons to recover what is due to them. When a plaintiff obtains a decree, let him execute it if he wants his money. If he neglects to do so, the loss of interest is a loss of his own making. The rapidity with which execution is taken out after judgment, thus makes debtors sensibly feel that they cannot incur liabilities, which they do not mean and do not care to discharge; and the filing of a suit in a Court of Small Causes has thus a real meaning for defaulters. Did time and space permit, we could say much on this point, but we cannot follow further our present digression.

Courts of Small Causes have now been in existence in the Mofussil for nearly five years, and the question 'are these institutions suited to the country, and have they been successful?' is likely, or at least ought, to be very soon asked and answered. Can a proper answer be given, or is any answer, founded on our hitherto defective experiences, to be depended upon to solve the problem? We fear not. When County Courts were established in England in 1846, the working of the new system was carefully watched, Commissioners were appointed for this very purpose, statistics were collected, amendments and improvements suggested and listened to; and when anything in the machinery

as first started worked amiss, a remedy was immediately adopted. Thus in 1849, 1850, 1852, 1856, 1858, 1859 and 1865, Acts were passed extending, regulating, and systematising the jurisdiction of these courts. How much of their success must be attributed to these prudent measures. But here, in India, nothing of the kind has been done. These courts established in the Mofussil, without appeal, without control, have been left to themselves to work alone; and no regular supervision has been exercised over them. Some casual reports are submitted to the higher executive and judicial authorities, but they are bare figures without explanations, information, or suggestions. Should not the statistics and reports for these courts for all India be carefully collected and digested, if not by a Board of Commissioners, at least by some individual possessed of the requisite knowledge, experience, industry, and leisure? We think the State would save in the end by adopting such a measure. Already much more than the salary of such a Commissioner has been wasted on establishments and salaries for half of which the work could have been done in many places. But the saving of expenditure for a few years is a small thing, as compared with the building up of a system, which could successfully and satisfactorily deal with the great proportion of the litigation of this country.

The success or non-success of these institutions must principally depend upon the calibre of the men chosen as Judges. They will work the system, do justice to it as first established, and make suggestions for its alteration and improvement. The Act for Courts of Small Causes is but the plan of a building. If the Judges be ignorant of the rules of architecture and the construction of the works designed, the building will bear but a poor resemblance to the plan or to what the plan was intended to symbol. If the Judges be not properly trained in law, what want of uniformity will prevail, what injustice will be perpetrated, and where there is no appeal, without a remedy! What will be law on one side of a bheel or khal or nuddee in one jurisdiction, will be injustice on the opposite side, and in how many places is it so this moment. But it may be said, 'equity and good conscience' are the rule and the law of this country, and as long as a Judge adheres to these he is sure to go right. We reply in the language of Selden. 'Equity is a roguish thing. Equity is according to the conscience of him who is chancellor, and as that is larger or narrower, so is equity. It is all one, as if they should make the standard for the measure we call a foot 'a chancellor's foot.' What an uncertain measure this would be. One chancellor has a long foot; another a short foot; a third an indifferent foot; it is the same thing in the chancellors'

'conscience' (*Table Talk*.) Such *was* equity in the days of Selden, and such would be equity in India if the above objection were to be accepted. What equity *now* is at home, will appear from the following quotation from the 'Lives of the Chancellors' by Lord Campbell. 'The preference of individual opinion to rules and precedents has long ceased. The doctrine of the court is to be diligently found out and strictly followed; and the chancellor sitting in equity is only to be considered a magistrate to whose tribunal are assigned certain portions of forensic business, to which he is to apply a well-defined system of jurisprudence, being under the control of fixed maxims and prior authorities as well as the judges of the Courts of Common Law. He decides, '*Secundum arbitrium boni viri*'; but when it is asked, '*Vir bonus est quis?*' the answer is, '*Qui consulta patrum, qui leges juraque servat.*' And it is in this 'well-defined system of jurisprudence', as well as the statute law of India, that the Judges should be trained. 'The discretion of a Judge,' says Lord Camden, 'is the law of tyrants; it is always unknown; it is different in different men; it is casual, and depends upon constitution, temper; and passion. In the best it is oftentimes caprice; in the worst it is every vice, folly, and passion to which human nature is liable'. Hear also the philosophic Bentham. 'Where the law is fixed, though it be difficult, obscure, incoherent, the citizen always has a chance to know it. But let a Judge dare to arrogate to himself the power of interpreting the laws, that is to say, of substituting his will for that of the legislator, and every thing becomes arbitrary, no one can foresee the course which caprice will take. The question is no longer of the actual evil; however great that may be, it is small in comparison with the magnitude of possible consequences. The serpent, it is said, can pass his whole body wherever he can introduce his head'. Now if Judges do not know the law, it will be all one as if there was no law, and the evils arising from their will taking the place of law must be expected. The Judges then of Courts of Small Causes should be men of judicial training and experience, and they must be of unblemished moral character, that the public may respect them in their decisions. The success of the English County Courts is in no slight degree attributable to those who have been, and are, Judges\* of these courts. To be eligible for the

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\* 'The proper working of the system,' says Mr. Warren, (*Law Studies* Vol. II p. 964.) 'depends on the Judges being equal to their duties; men soundly familiar with legal principles and practice, patient, energetic, resolute, and conscientious in the conduct of business.'

appointment seven years' standing at the bar, or practice as a special pleader and at the bar for at least seven years is necessary. Among the County Court Judges in the Law List for 1863, were *eight Queen's Counsel*, (six Chancery and two Common Law) and *four serjeants*. Mr. Taylor, the author of the standard work on the 'Law of Evidence,' occupies a seat on this bench, the qualifications for which are the same as for that of any of the Indian High Courts. How very inferior in comparison are the men who have been appointed to the analogous office in this country, and yet the decisions of these latter are final and decisive and without appeal, and their jurisdiction is exclusive; while that of the County Court Judges is concurrent only, and by appeal, by prohibition, by *certiorari*, by objection to jurisdiction under 19 & 20 Vict. cap. 108, Sec. 39, their proceedings can be watched, checked, and brought under the *surveillance* of the superior courts. The question, whether an appeal should or should not be allowed from the decisions of these courts, is a radical one. We shall make our own suggestions hereafter. At present it is sufficient to say that we think that some means should be provided of having the decision on a point of law of a higher tribunal, in every case in which either of the parties was dissatisfied with the ruling of a Mo-fussil Small Cause Court.

Under Section 29 Act XI of 1865, whenever more courts than one are constituted in any district, the Local Government may appoint one of the same courts to be the Principal Court of Small Causes in such district. The Judge of the Principal court *may* sit with the Judge of any other Court of Small Causes in the same district for the trial and determination of any suit; and *shall* so sit for the trial and determination of any such suit, which the Judge of such other court may reserve for trial by himself and the Judge of the principal Court of Small Causes. The Local Government may make rules (which have never yet been made), prescribing in what cases two Judges shall sit together. When two Judges sitting together concur, the decision or order in which they concur is to be passed. If they differ on a point of law or usage having the force of law or construction of a document, a reference is to be made to the High Court. If they differ on any matter other than those above mentioned, the Judge who is *senior in respect of date of appointment* is to have the casting vote, even though he be not the Judge of the Principal court. The advantage to be derived from the above provisions is not at all apparent. As it is, they have hitherto remained a dead letter, and in scarcely a single instance have they been as yet called into operation. The public are

not aware of their existence. The Judge of any subordinate court will not call in the Judge of the Principal Court of Small Causes, lest he should seem to part with any portion of his own dignity and authority. The vakeels do not care to make known the provisions to suitors, lest other vakeels coming with the Judge of the Principal court should take away their practice.

There is no doubt but that the scheme of a Principal court hitherto tried has been a complete failure. Be it also remembered that we have above expressed an opinion that some means should be provided for obtaining the decision of a higher tribunal on a point of law, when either of the parties was dissatisfied. We now proceed to mention our suggestions for the remedy of both these defects. A '*district*' should mean the local jurisdiction of a single Judge, and its limits should be fixed by the Local Government, when necessary, without regard to the existing boundaries of zillahs. It should be larger than the present local jurisdictions of these courts. So large as to afford work for a single Judge, who would hold his court at several places therein. The advantage of this has been already pointed out. A number of these districts should be subordinated to a single Principal Judge, who should go on circuit at stated times, of which due notice should be given at all places where courts were held. It would not be necessary for him to visit all these *places* each time he came round. Sitting at any one place within a district, he could transact all business for the district. All applications for new trial should, if possible, be heard by him sitting with the second Judge. He could also sit *in banco* to try important cases, when parties desired it. He should in all matters have the casting vote, except in point of law, in respect of which when there was a difference of opinion, a reference should be made to the High Court. He should on each tour look after the executive working of each court, and hold himself in readiness to hear and investigate any charges brought against the *amla* for bribery or corruption. He would see that all orders of the Government and of the High Court were carried out. He would watch expenditure, and would have the power of *reducing* establishments, and changing the employes from one district to another within his own circuit. All returns to Government or the High Court, and all correspondence therewith should be carried on through his office. He should at the close of each year submit a report on the working of the courts under him. Instead of an appeal, when any party was dissatisfied with the finding of any Judge on a point of law, it should be compulsory on such Judge at the request of such party to submit a case with his own opinion to the Principal



Judge. If the latter coincided, the decision should be final, if he differed, a reference to the High Court should be compulsory, unless the Principal Judge could shew that the point was one already decided. The Principal Judge should also have the power to lay any general point connected with the procedure of the courts before the High Court, who should be empowered to make rules for regulating such matters. The person appointed to the position of Principal Judge, should be one whose legal attainments and known character would be a guarantee for the fulfilment of the above duties. His circuit might comprise several, say some 6 or 8 zillahs, and should be arranged with reference to the means of communication. Under such a system as that we have endeavoured to sketch, many men would be good ordinary Judges, who would not be fit to work alone without supervision. Natives, we believe, are as a rule unfit to be Small Cause Court Judges without supervision and without appeal. We have no wish to undervalue their many good qualities, but we say this, as we would say that they are not as yet fit for political liberty and self-government. There are bright exceptions no doubt, but we merely state the general rule, and that rule is in accordance with the sentiments of their own countrymen. Under the system we have propounded, they would be subjected to sufficient supervision to make them safe and most useful.

It has been said that Courts of Small Causes are a loss to Government, and therefore ought not to be kept up. Now the premises and therefore the conclusion of this argument are erroneous, as will appear from the accompanying table.

does not pay, it is because there is mismanagement and want of economy in the details of its executive, and these evils can easily be remedied by proper statistics and suitable supervision.

In the three courts of Magoorah, Jenidah, and Narail, one Judge disposed of 4,834 institutions in 1865. In the four courts of Meherpore, Chooadangah, Kooshtea, and Comercolly, there were only 3,418 institutions; yet two Judges were engaged in disposing of this latter number. The table will shew other similar inequalities, the correction of which would make a great alteration in the returns of profit or loss. Let us look however at the English County Courts. We have said that these courts are held at 502 different places, which comprise 59 circuits presided over by sixty Judges. Now, taking the number of institutions in 1861, *viz.*, 903, 957, and dividing by 60 (there being two Judges for the Liverpool circuit), we get the enormous number of 15,066 institutions disposed of by each Judge on an average. Allowing for all differences between the two countries, this shows that one properly qualified Judge with suitable subordinates could transact a much larger amount of business than has hitherto been done. The proportion of compromised cases here as well as at home is very large, and if competent persons were appointed to the post of Registrar, all this work of mere writing could be taken off the Judge, whose whole time could thus be devoted to dealing with *ex parte* and disputed cases.

This article has far exceeded the limits we proposed to ourselves, when commencing to write, and yet there are many points which we could wish to notice and discuss. We are compelled however to hold them over for the present, and shall here conclude by remarking, that in our opinion, there is no good reason why Courts of Small Causes should not be quite as successful in India as County Courts have been in England, if the same pains are taken to insure success. It sometimes happens that a new measure introduced here in India fails to realize the results that were confidently expected for it, simply because when once set working, it has been left to itself, and has been expected to behave like an *automaton*. In the rapid progress of this country, there is so much that is new to be daily attended to, that we sometimes feel little disposed, and have less leisure to dwell upon or return to matters that have once engrossed for a time our whole attention. But we must overcome this, and must watch the measures that have been introduced; and if the machine do not work, we must patiently take it to pieces and re-construct it. 'The science of governing,' says Rousseau, 'is merely a science of combinations, of applica-

' tions ; and of exceptions according to time, place, and circumstances,' and it is but natural that some mistakes should be made in the first disposition of these combinations, applications, and exceptions. A wise Government will inevitably fall into some of these mistakes, but its wisdom will be shown in correcting them when discovered.

- ART. VIII.—1. *Mémoire pour le Sieur Dupleix contre la compagnie des Indes, avec les pièces justificatives.* Paris, 1759.
2. *A History of the Military Transactions of the British Nation in Indostan from the year 1745*, by Robert Orme, Esq. F. A. S. 1803.
3. *Histoire de la conquête de l'Inde par l'Angleterre*, par le Baron Barchou de Penhoen. Paris, 1844.
4. *Inde*, par M. Dubois de Jancigny, Aide-de-camp du Roi d'Oude, et par M. Xavier Raymond, Attaché à l'Ambassade de Chine. Paris, Firmin Didot Frères, 1845.
5. *The History of British India.* By Mill and Wilson, in ten volumes. London, John Madden and Co. Leadenhall Street, 1851.
6. *The National Review, Volume XV.* London, Chapman and Hall, 193, Piccadilly, 1862..
7. *Nouvelle Biographie Générale, depuis les temps les plus reculés jusqu'à nos jours.* Paris, Firmin Didot Frères, 1862.
8. *An authentic account of the late Admiral Boscawen during the time he commanded in Coromandel, and of the transactions of the fleet and army under his command.* Asiatic Annual Register. 1802.

THE mode in which Dupleix had purchased the consent of the Nawab of the Carnatic to the prosecution of his plans against Madras has been already recorded. With one great end in view,—that of wresting Madras from the English,—he had, during a crisis which might otherwise have been fatal, sacrificed the less important portion of the scheme, and, renouncing extension of territory for his own countrymen, had promised the Nawab to resign to him the conquests he should achieve. We have given our reasons why we believe Dupleix to have been sincere in this engagement. In his letter on the subject to\* La Bourdonnais,—a letter intended for no other eye,—he had expressed

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\* In the last number of this *Review*, page 449, we gave in a note our reasons for asserting that La Bourdonnais had been offered and had accepted a bond for 100,000 pagodas as an inducement to allow Madras to be ransomed. Since that article appeared, we have received, through the courtesy of a friend who has examined the documents, the strongest confirmation of this statement. It is clear from one of the India House records, Law Case No. 31, dated 3rd March 1752, that the Court of Directors of that day were

his intention to resign the town to the Nawab after demolishing its fortifications, and he had used this as a reason why it would be impossible for him to agree to any terms regarding ransom with the English. We have seen how the obstinacy of La Bourdonnais had for a long time prevented the accomplishment of these designs,—how, from the date of the capitulation, the 21st of September, to his departure from Madras on the 23rd of October, that impetuous and self-willed officer had kept Madras in his own hands, and how, therefore, during that time, and for a week subsequently, the entire attention of Dupleix had been devoted to obtaining possession of the place, which had been conquered only to be kept from him. We have seen too how fatal the delay had been to him in one respect,—the destruction of the fleet which had been at once his mainstay for defence, and the power upon which he counted for future blows against the English. Yet, damaging as had been the result in that respect, it sank into apparent insignificance when contrasted with the effect it had upon the suspicious mind of the Asiatic who had trusted him, only, it would seem, to be deceived.

The fact indeed that upwards of five weeks had elapsed since the French flag had first floated over the ramparts of Fort St. George, and that there were no indications of lowering it to make way for the flag of the Mogul, was in itself a circumstance more than sufficient to justify the doubt which Anwarooddeen was beginning to display. The quarrel between Dupleix and La Bourdonnais would naturally appear but a shallow and transparent artifice, invented for the purpose of cheating him out of his promised gains. It was enough for him that Madras continued French; to the name of the Frenchman who commanded there he was indifferent. His engagement had been made with the Governor of the French possessions in India, and to that Governor he looked for its absolute and literal fulfilment.

When however day succeeded day, and week followed week, and he received, instead of Madras, excuses founded upon the alleged insubordinate behaviour of the French official in command at Madras, the patience of the Nawab began to give way. Who were these French, he asked, these foreigners who had been so submissive and compliant, that they should thus not only beard him to his face, but should use him as a tool wherewith to effect their purposes? Upon what force did they rely to enable them

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convinced, on the testimony of Madras Members of Council, that La Bourdonnais was promised, by bond, 100,000 pagodas, over and above the 1,000,000 pagodas stipulated in the bond given him for public use, in consideration of his ransoming Madras.—The statement may now, therefore, be accepted as an historical fact.

to carry out their daring resolves? If they had a few hundred European and two or three thousand native soldiers, he could bring into the field twenty men to their one, and, against the means which the possession of a few places on the coast might make available for them, he could wield the resources of the entire province of the Carnatic. He would teach these faithless Europeans to know their place and to respect his power, and if they should hesitate longer to carry out their engagement, he would compel its fulfilment by force of arms. At this determination Anwarodeen had arrived long before La Bourdonnais had made over his conquest to Desprémesnil. He had even sent a detachment of his troops to the vicinity of Madras, there to remain until it should be joined by the main body. This main body, in number about 10,000 and commanded by Maphuz Khan, eldest son of the Nawab, followed very shortly after, and encamped under the walls of Madras about the same date as that on which La Bourdonnais bade a final farewell to the roadstead of Pondichery.

This then was the first great difficulty which it fell to the lot of Dupleix to encounter after the departure of his rival. Let us consider for a moment what was actually his position. He had promised to make over Madras to the Nawab, but he had resolved, at the time he made that promise, first to demolish its fortifications. The insubordination of La Bourdonnais had prevented the possibility of doing one or the other before the 21st September, and on that date his lieutenant, Desprémesnil, found himself threatened by the troops of the Nawab. He was on the other hand embarrassed by the engagements into which La Bourdonnais had entered with the English, and with which, although he had not ratified them, it would now be incumbent on him to deal in a decided manner. There was thus presented to him a complication of difficulties such as might appall a mere ordinary mortal. Yet Dupleix set himself to meet them in the clear and logical manner natural to his well-ordered intellect. Of all the difficulties we have enumerated, that caused by the threatening attitude of the Nawab was the most pressing. This, therefore, he set himself in the first instance to encounter. No man was more sensible than he of the very delicate nature of the task which thus lay before him. He had, indeed, promised to make over Madras to the Nawab, intending, as we know, to make it over in a dismantled state. But being now for the first time in a position to perform the promise, he was prevented from accompanying that performance by the dismantling which, in his opinion, was a most necessary adjunct to it, and the more so, because Madras was at that moment invested by the Nawab. To dismantle Madras in the presence

of the army of Maphuz Khan, would have roused in the breast of the Nawab an indignation equal to that which had been already kindled by abstaining from surrendering it. To make over Madras, on the other hand, with its fortifications still standing, would, he considered, be an act of treachery to French interests. It would be in that case, he felt, in the power of the Nawab to make his terms with the English, and to re-sell them a place which the French had conquered with the view of the permanent expulsion of that nation from the Coromandel coast. To such a line of conduct Dupleix could never reconcile himself. In the temper of the Nawab however any other course was fraught with danger. That danger and the possible disaster consequent upon it were, however, in the eyes of Dupleix, less formidable than the certain danger and certain disaster attendant upon an abject submission to the threats of the Nawab. He resolved, therefore, to risk the fury of his wrath rather than surrender French interests to his mercy, and to retain Madras for himself, rather than make it over with its fortifications undestroyed. But while he came to this fixed resolution, he determined to employ every art, to exhaust every device, to induce the Nawab to forego his claim, and to avert those hostilities with the satrap of the Mogul, which now, for the first time, seemed to threaten the French colony. As to his promise, he considered himself absolved from its performance by the fact, that the Nawab was now endeavouring to obtain by force of arms that which Dupleix, if left to himself, would have been willing, on the earliest possible occasion compatible with his own security, to concede.

Having resolved on this course, Dupleix sent instructions to Desprémesnil to keep Madras at all hazards, but to refrain from any act of hostility towards the troops of Maphuz Khan, beyond those which would necessarily result from the defence of the place. The French troops who garrisoned Madras amounted to between five and six hundred Europeans, and about the same number of natives, disciplined in the European fashion. In obedience to the orders received from Dupleix, the governor, Desprémesnil, withdrew the whole of these troops within the walls on the approach of the enemy, with the intention of confining himself strictly to the defence of the town. But as Maphuz Khan showed himself very earnest in his attack, and in the course of a few days reduced the garrison to some difficulties, by cutting off from them the only spring which supplied them with good water, Desprémesnil found it necessary to abandon this cautious policy, and to try the effect of a sortie. On the 2nd November therefore, early in

the morning, he detached a body of 400 men, accompanied by two field-pieces, to attack that portion of the enemy's army which had gained possession of the spring. As this handful of men advanced, the guns following close in their rear, to encounter, as it seemed, certain destruction from the overwhelming force of the Moguls, the enemy's cavalry hastily collected and galloped towards them with the intention of riding them down. Still steadily, undaunted by the imposing array of the squadrons charging towards them, the French advanced. When, however, they judged the enemy to have arrived within point-blank range, they opened out from the centre, uncovering the field pieces, and halted. The fresh discharge from the two guns went straight into the mass of the hostile cavalry, killing some of the foremost horses. This caused a temporary confusion and halt, which gave the French time to load again. The enemy, unaccustomed to such rapid firing, knowing so little of the European practice of artillery as to consider one shot in a quarter of an hour excellent practice, were confounded at this second discharge. Instead, then, of taking advantage of it to charge home, they halted to look on in mingled doubt, wonder, and fear. But when a third discharge succeeded a second, and a fourth a third, all carrying destruction into their ranks, they hesitated no longer. Terrified at this novel mode of warfare, they fled precipitately, leaving their tents and baggage a prey to the conqueror. They lost from this cannonade about seventy men, whilst amongst the French not a man was even wounded.

Meanwhile Dupleix had been not less indefatigable at Pondichery. The accounts he received as to the reality and earnestness of the attack on Madras, had convinced him likewise that persistence in a purely defensive line of action would be highly impolitic, and he had determined to effect a diversion by threatening the enemy's camp from the side of Pondichery, with the view of compelling him to raise the siege. The command of the detachment which was to effect this end, and which numbered about 230 Europeans and 700 native sepoys, he entrusted to Paradis, the most capable officer under his orders.

The news of the march of this detachment reached Maphuz Khan immediately after the defeat of his cavalry by the Madras garrison. He appears to have instantly taken a resolution worthy of a greater commander. This was to march with the bulk of his force to intercept and destroy this small detachment, before an opportunity should be afforded it of opening communications with the garrison of Madras. With this view, he marched to St. Thomé, and took up a position on the northern bank of the little river Adyar, which runs into the sea on its



southern side, and which it would be necessary for Paradis to cross in order to communicate with Madras.

On the morning of the 4th November, Paradis came in sight of the host of the Nawab, numbering nearly ten thousand men, posted on the north bank of the river, their position covered by guns. He had no guns, but he was a man of a stern and resolute nature, prompt in his decisions, and losing no time in carrying them into effect. He was little startled by the sight before him. His orders were to open communication with Madras, and these he could not carry out by either halting or retreating. He therefore resolved to cut his way through the enemy. Without waiting to reconnoitre, he dashed into the river, which he knew to be fordable, scrambled up the bank in face of the enemy's guns, then halting to deliver one volley, ordered a charge. The effect was electric. The enemy at once gave way, and retreated in terrible confusion into the town, from behind the defences of which they attempted to offer a new resistance. But Paradis was not the man to leave half his work undone. He followed the enemy with vigour, and halting in front of the town, poured in volley after volley on the masses jumbled together in the crowded streets. These had but one thought,—to escape. Their very numbers, however, impeded their movement in any direction, and it was not until after many of them had fallen, that they succeeded in extricating themselves from their position. Hardly had they accomplished this, however, when they found themselves assailed by another enemy. The garrison of Madras had hastened on the first intimation of the approach of Paradis, to march to his aid. They arrived in time to intercept the retreating masses of the Nawab's army, and to convert their defeat into an utter and demoralising rout. Their general, Maphuz Khan, had fled on the first charge of the French; the body of men who formed his army, without a leader, and terror-stricken by their crushing overthrow, at once gave up all thoughts of gaining Madras, and did not halt till they had traversed many miles from that place in the direction of Arcot.

It may be well asserted that of all the decisive actions that ever were fought, there is not one more memorable than this. Not indeed that there has not since been displayed a daring equal to that of Paradis, or that numbers as disproportionate have not within the memory of the living achieved a victory as important. The circumstance which stamps this action as so memorable is that it was the very first of its kind, that it proved, to the surprise of both parties, the absolute and overwhelming superiority of the disciplined European soldier over his Asiatic rival.

Up to that time the native princes of India had by virtue of their position as lords of the soil or as satraps of the Mogul, of their numerous following, their acknowledged power, arrogated to themselves a superiority which none of the European settlers had ever thought of disputing. With the French, as we have seen, it had been a maxim of settled policy to avoid even the semblance of hostility towards them. We have noticed how Martin and Dumas and Dupleix had toiled to effect this end. When at last Dupleix, to avoid a more dangerous contingency, accepted this dreaded alternative, he did so more in the hope that he might find some means of pacifying the Nawab,\* whilst the siege was in progress, than in any expectation of routing him in the field. And now suddenly, unexpectedly, this result had been achieved. From being the suppliants of the Nawab of the Carnatic,—the vassals whose very movements depended upon his license,—they in a moment found themselves, in reality, his superiors. This action at St. Thomé, in fact, completely reversed the positions of the Nawab and the French Governor. Not only that, but it inaugurated a new era, it introduced a fresh order of things, it was the first decided step to the conquest of Hindostan by an European power. Whether that power were French or English would depend upon the relative strength of either nation, and even more on the character of the men by whom that strength should be put in action. The battle which introduced this change was one then that well deserves to be remembered, and, in remembering it, let not us, who are English, forget to record that the merit of it is due, solely and entirely, to that great nation which fought with us the battle of empire on Indian soil, and did not win it.

To Dupleix this great victory presented the means of extricating himself from all his difficulties. He now found himself able to carry out the plans which he had conceived at the time of the capture of Madras by La Bourdonnais. The conduct of the Nawab in declaring war against him, in besieging Madras, and in endeavouring to intercept and destroy his little army, had quite cancelled the obligation under which he had placed himself to make over to him his conquest. That difficulty had been happily surmounted. Nor did the other, bequeathed to him by La Bourdonnais, that of restoring Madras to the English, present any longer an obstacle. He had never ratified the unauthorised engagements into which La Bourdonnais had entered. To him they were as though they had never been made. Madras, he knew well, would have surrendered at the same time, or at the utmost a day later, had no reference been made to a ransom. The place was not at the time capable of further defence. He

regarded it therefore as his conquest, as a lawful prize to French valour, and he determined, now that he possessed the power, to use it for the interests of France, regardless of those engagements into which La Bourdonnais had been lured, and which he had never sanctioned.

No sooner, then, had he received intimation of the utter defeat of the Nawab's army, and of the triumphant relief of Madras, than he appointed Paradis military governor of that place, instead of Desprémesnil, who as a civilian could not, he considered, exercise sufficient authority over the troops, and instructed him to issue a declaration proclaiming Madras to be French by right of conquest, and disavowing all engagements entered into by La Bourdonnais as null and void.

Paradis was not slow to act upon his orders. He had beaten the Nawab's army on the 4th November, and had entered Madras the same day. On the 9th he received his instructions, and on the 10th he issued his proclamation. In this, he annulled La Bourdonnais' ransom-treaty; declared all the merchandize, provisions, warlike stores, and horses to be French property, and ordered all the English residents who would not take the oath of allegiance to the French, to quit the town within four days. On the other hand, the English were permitted to dispose of their moveables, clothes, and jewels, and they were simply required not to serve against the French till they should be exchanged. Governor Morse and the other officials were conveyed as prisoners to Pondichery, where, however, they were treated with the greatest courtesy and consideration.\* The entire English community had, indeed, protested against the high-handed proceeding of Paradis, and some of its members had even made their escape to Fort St. David. Amongst those who adopted this course was a young writer named Robert Clive.

Fort St. David, about 12 miles south of Pondichery, and about two north of Cuddalore, had been purchased by the English in the year 1691, and had been, by degrees, fairly fortified. Its strength for purposes of resistance was increased by its proximity to Cuddalore, which was fortified on three sides, that facing the sea being alone undefended. It had now become by the capture of Madras, the English seat of Government, and those who occupied the chief places of authority were animated by a

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\* Mr. Orme declares that the English prisoners were marched in ostentatious procession through the streets of Pondichery, but he gives no authority for his statement. The fact is that the English prisoners were treated with the greatest consideration. The story of the procession was invented by La Bourdonnais, who had left Pondichery long before the prisoners arrived.

resolute determination to defend it to the last extremity,—even to invoke, for that purpose, the aid of the native chieftains.

It was indeed high time that they should do something, for Dupleix had resolved that their last place of refuge should be his next conquest. This great statesman, in fact, believed that now, after all the vicissitudes of his career, after all the trials he had been subjected to, he had at last found his opportunity. Madras in his possession, free from all fear of effectual interference on the part of the Nawab, what was there to hinder him from carrying out his darling plan of expelling the English from that coast? To bring matters to their present point, he had risked the contest with La Bourdonnais, the fury of the ruler of the Carnatic, and now, having attained that end, he felt his hands free to push his advantage to its utmost limit, and to strike at Fort St. David. With his accustomed promptitude, he determined to carry out this plan without any loss of time,—a determination the more necessary, as he fully expected that a few months would deprive him of the advantage which he then possessed of the mastery at sea.

The command of this expedition Dupleix intended to entrust to the officer whom of all under his orders he considered the most capable. This was Paradis. To him, therefore, he sent instructions to return to Pondichery with all the troops he could spare, so soon as he should have settled the affairs of Madras. It was not before the first week of December, however, that Paradis was able to move. Leaving then the bulk of the garrison behind him, he marched on that day at the head of 300 men, escorting the plunder of Madras, in the direction of Pondichery.

These proceedings on the part of the French did not escape the attention of the Nawab. The month that had elapsed since the defeat at St. Thomé had very much effaced the sharper stings of the lesson the Moguls had then received. Maphuz Khan, especially, burned with impatience to efface the galling recollection of that day's defeat. No better opportunity, he thought, would present itself than that which seemed now about to offer, when a body of three hundred men should be embarrassed by the numerous coolies laden with the plunder which they were escorting. Impressed with these ideas, he assembled a body of 3,000 foot, and 2,000 horse, the flower of his army, and took up a position at the little village of Konetur, thirty-two miles south of Madras, through which he knew that the French detachment must pass. Paradis was marching in a careless style, unsuspecting of the vicinity of an enemy. He had divided his force into two bodies, an advance party and rear

guard, and between these were the coolies. Suddenly the cavalry of Maphuz Khan appeared upon the plain, and made as though they would attack the rear guard. The attitude of the French, however, shook their resolution, and they contented themselves with hovering about in the vicinity, dashing at stragglers, and forcing the troops who composed the rear guard to constant formations. Uneasy at this, and fearing to be overtaken by night before he should reach the Dutch settlement of Sadras, Paradis at once altered his order of marching. Sending the coolies in front of the troops, he covered these with the body that had formed his advanced guard, and with these hastened on to that place. The rear guard, meanwhile, had the task assigned it of proceeding at a more leisurely pace, so as to engage the attention of the enemy. This manœuvre answered all his expectations. The first detachment with the coolies reached Sadras without the loss of a man, whilst of the second, only twelve men were captured, and these more from a disposition to loiter than from the fault of the commander. Arriving at Sadras, he halted until he should receive further reinforcements from Pondichery. On the arrival of these he marched without molestation to join the main encampment of the French army at Ariancopan, two miles south of Pondichery. Here he arrived on the 17th December. Maphuz Khan, for his part, finding it impossible to gain any material advantage over the French troops, had desisted from his attempts after the arrival of the French at Sadras.

The junction of Paradis completed all the preparations of Dupleix. With a force of about 900 Europeans, 600 natives, 100 Africans, six field pieces and six mortars, he was, it appeared, absolutely master of the coast. The English garrison of Fort St. David numbered but 200 Europeans and half the number of natives. The French too had all the inspiration of recent victory. The success of the intended expedition seemed certain, far more certain in fact than the success of La Bourdonnais had appeared at the period of his attack upon Madras. No one knew better, however, than Dupleix that, in spite of all favourable appearances, one necessary element of success was yet wanting. He had the soldiers, the guns, the munitions of war, but had he the general? This was the one want without which the success which seemed to be his would yet slip from his grasp. He knew this well, and with his accustomed energy, he set himself to supply it.

The Commander-in-chief of the French troops in Pondichery at this time was General De Bury, an officer not only old, but possessing the worst characteristics of age. To entrust the command of the expedition to such a man was, Dupleix felt, to

ensure its failure. Yet, as the senior, he had the right to command. On the other hand, there was Paradis, the hero of St. Thomé, an engineer by profession, and a man whose courage and capacity were established. In his hands the expedition would have the best chance of success. To give the command to Paradis, therefore, all the efforts of Dupleix were directed.

Unfortunately for France, for himself, he did not succeed. There were other officers between Paradis and De Bury, and these protested against such a supersession. His Swiss birth, his inferior rank, the jealousy which his recent success had caused amongst the small-minded, all contributed to hinder the elevation of Paradis, and in the presence of the great discontent which the proposal excited, Dupleix was, at last, forced to abandon the idea.

Under the command of De Bury, therefore, the force marched on the night of the 19th December, crossed the river Punar the following morning with but little opposition, and took possession of a walled garden, about a mile and a half to the north-west of Fort St. David. Here deeming themselves secure, and being fatigued and hungry from their march, the troops lodged their arms, and prepared to cook their dinners.

It is time now that we should turn to the movements of the English. Irritated by the high-handed proceedings of Dupleix at Madras, by the abrogation of the treaty, these had resolved to undergo any extremity rather than surrender. In addition to the garrison of 300 men, to which we have adverted, they had taken into their service 1,000 irregular native troops, known then by the name of peons, and, what was of more importance, they had entered into an intimate alliance with the Nawab. In concert with him, it had been agreed that, whilst the French should be engaged in the attack on Fort St. David and Cuddalore, both which they were determined to defend to the utmost, he should suddenly seize that opportunity to attack them, and place them between two fires.

It is probable that had the French been led by a general of even ordinary capacity, this attack would have failed, but De Bury was wanting in all the qualities that go to form a general. In taking possession of the garden, and allowing his troops to disperse to cook their morning meal, he considered he had quite sufficiently acted his part. He took no care that pickets were told off, or that sentries were posted. Not a single man was, therefore, on the look out. He did not even himself suspect the capabilities of the position he was occupying. Carelessly giving himself to the repose which his age required, he acted, and allowed his soldiers to act, as though he and they had just

completed an ordinary march, in a time of peace, through a friendly country.

Rightly was he punished for this neglect. His men were dispersed, their arms grounded, he himself taking his repose, when suddenly the alarm was given that the enemy were upon them. A panic seized them. Grasping at the first weapon that was at hand, some indeed half-dressed, they rushed *pell-mell* to quit a place which they might have defended against the Nawab's whole army. Their one thought was to reach and cross the river, and towards it they ran without order or array. But the enemy, who were 6,000 horse and 3,000 foot of the Nawab's army, commanded by his two sons, were there before them. Notwithstanding this, the French rushed recklessly into the river, impatient only to gain the opposite bank. Fortunately for them, their artillery, which was admirably handled, and to the troops composing which the panic had not extended, kept the enemy at a distance. More than that, its commander not content with covering the disordered retreat of the infantry, deliberately transported his own guns, one by one, in face of the enemy, and, when on the other bank, served them so as to keep the Moguls at bay. It was not until the French had retreated for upwards of two hours, that the natives could be prevailed upon to pursue them, and then only after they had been urged by the English garrison of Fort St. David, which had arrived too late to take any part in the skirmish at the river Punar. Their pursuit, even when they did enter upon it, was fruitless in results. The French had long before recovered from their panic, and the attitude they presented on the approach of the enemy, made the Mogul princes think rather of their own safety than of an attack on their position. M. De Bury on his part was equally indisposed to expose his army to further risks. As soon, therefore, as the allied force of the English and Moguls commenced a retrograde movement towards Cuddalore, he continued his retreat to Ariancopan, where he arrived the same evening, after having sustained a loss in this ill-conducted expedition of twelve men killed and one hundred and twenty wounded. A small quantity of muskets and stores, which had been left behind in the garden at Cuddalore, fell likewise into the hands of the enemy. He had on his side the satisfaction of having saved all his artillery, and of having killed and wounded of the Nawab's army upwards of two thousand men.

For three weeks after this fruitless expedition, the French army continued in its encampment. Dupleix, however, had not been idle. On the fresh outbreak of hostilities, he had despatched instructions to M. Dordelin, who, it will be remembered, commanded the squadron which had gone to winter at Acheen,

to hasten with his four ships\* to the coast. In the expectation of the early arrival of these, he resolved to re-open negotiations with the Nawab, to point out to him the folly of extending further protection to a people, reduced as were the English to the last extremity, and the expediency of maintaining amicable relations with the European power, which, in Europe as in Asia, occupied the first position among nations. That self-interest might aid in inducing the Nawab to lend a willing ear to these proposals, he directed the commandant of Madras to undertake without delay measures to threaten Arcot with an attack from a French army.

The messengers of Dupleix found the Nawab tired of fruitless hostilities, and not altogether indisposed to enter into an accommodation with the French, though still demanding the execution of the original agreement. To induce him either to decide at once, or to render his decision of less importance, Dupleix determined to endeavour to surprise Cuddalore. On the night of the 10th January, he embarked five hundred men from the camp at Ariancopan in boats for the purpose. The night was dark but fine, Cuddalore was open on the seaside, and every thing promised success. But the boats had hardly got through the surf, when a storm arose which forced them to return.

Ten days later, M. Dordelin's squadron arrived. It now seemed to lie in the power of Dupleix to make upon the English settlement a combined attack by sea and land such as must be fatal. It is difficult to say why the attempt was not made. The importance of it was undoubtedly obvious to Dupleix. It is probable, however, that he was hampered by the character of his naval and military commanders. Dordelin was feeble and unenterprising; De Bury, as we have seen, worn out and incapable.

But though he did not use the squadron for the purpose to which it might, under better auspices, have been directed, its presence on the coast was not absolutely resultless. The Nawab, struck by this accession of force, and learning at the same time that the country round Arcot had been ravaged by the French troops, could no longer resist the conclusion that he had engaged in a struggle which could but end in loss and dishonour to himself; that the English had evidently been abandoned even by their own countrymen, and that every consideration of policy prompted him to accept the offers of the French Governor. He no longer therefore continued to insist upon the fulfilment of the agreement regarding Madras, but signed at once a treaty,

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\* *The Centaure, the Brillant, the Mars, and the St. Louis.*



by which the French were confirmed in possession of all the territories which they then held, and the Nawab agreed to leave the English to their fate. This treaty was ratified by Maphuz Khan in person during a visit of ceremony which he paid to Dupleix at Pondichery, at the end of following February.

Now, at last, the English were apparently in his power. Abandoned by every one, numbering but two hundred, occupying a position little capable of prolonged defence, what could possibly save them? If, at this conjuncture, Dupleix had put into action that great principle of warfare,—a principle applicable alike to all transactions in which men ordinarily engage,—to bring the greatest force to bear on the decisive point of the scene of action, he must have gained his great end. Between the time of Dordelin's arrival, the 20th January, and the visit of Maphuz Khan at the end of February, there had been ample time to carry out an expedition, which must under ordinary circumstances have succeeded. In allowing his fleet and army to remain inactive during this period, we fail to trace the practical ability and fertile genius which so often guided the operations of the French Governor. The inactivity is the more inexplicable as Dupleix well knew that Commodore Peyton's squadron in the Hooghly was waiting only the arrival of reinforcements then daily expected, to re-assert the predominance of the English power in the Bay of Bengal. It is possible, indeed, that this very knowledge may have contributed to his inaction. We have seen how in his correspondence with La Bourdonnais, he clung to the idea of keeping a reserve of French ships within call of Pondichery. Dordelin's squadron was all that remained to him, and it can be conceived that he hesitated to engage those four ships, under a commander so wanting in energy and steadfastness, against the batteries of Fort St. David, knowing, as he did, that the northerly breezes which at that season blew down the Bay, might at any moment bring upon them the squadron of Peyton, reinforced by fresh ships from England. It is probable, likewise, that the same consideration urged him, as soon as his negotiations with the Nawab had been brought to a successful close, to despatch that squadron to the safe and neutral anchorage of Goa. This he did on the 19th February.

But whatever were his motives, whether he was influenced by the considerations we have recorded, or by others of which we have no knowledge,\* it is certain that he lost a golden opportunity.

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\* In his memoir, Duplex does not allude to the possibility of using his ships for the purpose of attacking Cuddalore and Fort St David, although Cuddalore, at least, was open towards the sea. He seems to have been

He too was fated soon to experience the truth that such opportunities, once granted, are seldom offered a second time ; that, when offered, therefore, they ought to be seized with a promptitude and used with a determination before which all other considerations should be made to give way.

He did not, however, at all resign the great object of all his political manœuvres. On the contrary, he was more than ever bent on the expulsion of the English from Fort St. David. No sooner then had the accommodation with the Nawab been completed, and the Mogul troops withdrawn, than he summoned a Council of War, placed before it the situation in which he was, the daily expected approach of an English squadron, and the expediency of attempting once more the capture of Fort St. David. He urged at the same time the fitness of Paradis for the command, and pressed upon the assembled officers the necessity of suppressing all considerations of self-interest in the presence of a crisis, calling so much for self-denial and earnest co-operation for a great end, as that which then existed. This appeal to their patriotism was at once heartily responded to, and the French officers consented to acknowledge and obey Paradis as their general.

Before, however, all these preliminaries had been carried out, the garrison of Fort St. David had received a small reinforcement of twenty men, and a considerable supply of money. An English ship decoyed into the Madras roads at the end of November by the sight of the English colours flying over the Fort, and then suddenly attacked, had managed nevertheless\* to escape and to make its way to Trincomalee. There, the captain received information of the actual state of affairs on the Coromandel coast, and thinking he might be able to serve his countrymen, he gallantly resolved to bear up for Fort St. David. He succeeded in this, in spite of the four ships of war under the unenterprising Dordelin, and conveyed to the English garrison a reinforcement of twenty men and £ 60,000 in silver. This was the more acceptable, as shortly before, another English ship, carrying soldiers and bullion, and consigned to Madras, had touched at Fort St. David, where deeming the state of the garrison irretrievable, her captain had refused to land either soldiers or money, but had proceeded in all haste to Bengal.

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impressed by the idea that as the superiority at sea was about to pass almost immediately to the English, he could not better employ his time than to endeavour to detach the native powers from their alliance.

\* Other ships were not so fortunate. One especially, having on board £60,000 in bullion, besides stores of all sorts, was entrapped into the roadstead in the same manner and there boarded.—*Orme*.

The small reinforcement we have referred to reached Fort St. David on the 2nd March. On the 13th, Paradis put his troops in motion, and marching along the coast, took up a position the same day on the north of the Punar, about a quarter of a mile from the river. The Punar, though in some parts fordable, was in others of a sufficient depth to make crossing in the face of an enemy a difficult operation. Knowing this, the English garrison wisely resolved not to wait for the French within the walls of the fort, but to oppose the passage of the river. They accordingly moved out, took up a position on the southern bank of the Punar, and commenced a brisk cannonade on the French with three field pieces they had brought with them. Paradis, for the time, contented himself with replying, but in the evening he moved with the bulk of his force higher up the river, and crossed it without opposition,—the English volunteers, who had been sent to observe him, retiring on the loss of two of their number, and retreating with the main body within the Fort. Paradis immediately took possession of the walled garden from which De Bury in the former expedition had fled so precipitately, and made his preparations for the attack on the Fort on the following day.

Then was seen, with a clearness incapable of being misunderstood, the terrible, the fatal effect of throwing away an opportunity. From the 16th December to the 13th February, the French army had been idle at Ariancopan. Dordelin's squadron had arrived on the 20th January, and within ten days of its arrival, the Nawab had signified his intention of withdrawing his support from the English. Had Paradis been allowed to march even a month earlier, on the 13th of February instead of on the 13th March, he must have been able within those twenty eight days to force his way into Fort St. David. Even one week earlier, and his chances would have been considerable. Whilst Dordelin's squadron might have attacked the open face of Cuddalore with a certainty of mastering it, he might have moved, with an equal confidence of victory, upon Fort St. David. That it would have fallen may be considered certain when we recollect how easily it surrendered, after its defences had been greatly strengthened, some years later, to the attack of Lally. Had that been accomplished, the fleets of England would have found no resting place for the soldiers they carried with them on the soil of the Carnatic, and the ineradicable foundation of a French Empire might have been laid.

But it was not to be. The inaction of one month, unexplained, and to our minds inexplicable, threw away that great chance, lost that splendid opportunity. In this one instance,

Dupleix acted as though he believed he could count for ever on the favours of fortune. The fickle goddess shewed him in return that she will never continue to help those who decline to help themselves. She aids the daring and skilful warrior, but she leaves him the exercise of his free will. Should he evince carelessness, indecision, or blindness, she leaves him then, and rightly leaves him, to the consequences of his own acts.

On the 14th March, Paradis was in the position, in which, had Dupleix willed it, he might have been early in February. In February he would have had the English garrison, then having received no reinforcement and destitute of supplies, to deal with. But, on the morning of the 14th March, as before making his advance against the Fort, he cast his eyes over the sea, the sight of several vessels, evidently vessels of war, sailing from the north, met his anxious gaze. Who could these strangers be? Not Dordelin and his ships, for Dordelin, he knew, was well on his way to Goa. They could scarcely even be French, for the French had but one vessel in Madras roads. Who could they be, he felt, but the reinforced squadron of Peyton? His uncertainty, if he felt any, did not last long. The hoisting of the Union Jack soon told him that the third expedition against Fort St. David had failed.

It was, indeed, the long expected, long dreaded squadron, reinforced by two ships, one of 60, one of 40 guns, and what was of equal consequence, strengthened by the arrival of a new commander. This officer, Admiral Griffin, learning at Calcutta the danger which threatened Fort St. David, had sailed without delay to its succour, and thus arrived in time to save it and the English garrison from the fate by which both were threatened. He brought with him as a permanent reinforcement a hundred Europeans from Bengal, but the sailors on board the squadron were capable of affording still more numerous aid.

Under such circumstance but one course remained to Paradis. The arrival of this fleet endangered the safety of Pondichery. His little army constituted the main strength of that place, as well for defence as for attack. Thither, accordingly, he must return. He made up his mind at once, and before the English had recovered from the reaction of joy which the arrival of their ships produced amongst them, he had re-crossed the Punar, and was well on his way to Ariancopan. There he arrived the same evening. A few days after, on the appearance of Admiral Griffin's fleet before Pondichery, he was recalled within the town.

It was now the turn of Dupleix to be cut off from the sea, to be left entirely to his own resources. Not only was a powerful English fleet in the Pondichery roadstead, but ships from England, from Bombay, Tellichery, and other places, continued to bring reinforcements to the garrison of Fort St. David. The three hundred Europeans and natives of which it was composed in January, had increased in July to 2,000, including upwards of 600 Europeans borrowed from the fleet. The friendship of the Nawab, he knew, would always go with the stronger power. Madras had but a small garrison, and any movement of the Nawab's troops would cut off the only possible communication,—that by land,—with Pondichery, whilst that city itself lay exposed to the bombardment, as well as to the blockade, of a powerful squadron. Yet Dupleix was born to shine in adversity. Never did his great qualities appear so great as when he was surrounded by dangers. Though cut off from all communication with the sea, he yet managed to send instructions to Dordelin to proceed, as soon as the monsoon should be over, to the islands, to join his squadron to any French ships that should be there, and to represent to the governor the necessity under which he himself was of speedy and efficient aid. He held himself, meanwhile, ready not only to defend himself against all attacks, but even, should occasion offer, to retaliate on the enemy.

The possession of the Isles of France and Bourbon, midway between the mother-country and India, gave the French a very great advantage over their English rivals in this early stage of the battle for empire. These islands formed, in fact, the base of the operations, naval and military, which the French undertook in India. Secure, as they were believed to be, against hostile attacks, a French squadron could wait its opportunity in the commodious harbour of Port Louis, could re-fit, and re-victual; and could reckon, almost to a certainty, the chances of meeting or avoiding a hostile fleet. Here single ships could be detained, as they had been in the time of La Bourdonnais, until a sufficient number should be collected; and even should that number prove insufficient for the purpose required, that man, full of energy and resources, had proved the possibility of providing ships from materials which were to be found in the islands themselves. The English possessed no such position. It was only when allied, as they were on the occasion of which we are writing, with the Republic of Holland, that they were able to make use of the Cape of Good Hope, and even to augment their armament from its resources. This uncertain and temporary advantage, however,

liable at times to be rendered nugatory, was not to be compared with the permanent benefit resulting to the inhabitants of Pondichery from the possession of a solid *point d'appui* in the Indian Ocean.

It was to derive from these islands the advantages they were so well capable of affording, that Dupleix despatched Dordelin on his mission. His arrival at the islands in December, 1748, was opportune. He found the Governor of Bourbon, M. Bouvet, well inclined to respond to the call, and possessing or expecting the means which would enable him to do so with effect. In fact, one ship of fifty guns, and another of forty had arrived some short time since from France, conveying reinforcements and treasure for Pondichery, and were then shortly expected on their return from a cruise in search of prizes on which they had been despatched to the Malabar Coast. Two smaller vessels were in Port Louis, ready to sail.

Accidental causes deferred the departure of this squadron, now consisting, by the union of the cruising vessels, of seven large ships\* and two small ones, from the islands till the beginning of May. M. Bouvet then set sail, and having a fair wind, arrived off Karical about the middle of June. There he learned the superiority in numbers of the English squadron,† and he resolved, instead of hazarding an engagement, the result of which might jeopardize and even ruin French interests in India, to manœuvre so as to delude the English admiral with the expectation of a contest, and to take advantage of darkness of the night to run on to Madras. It must be admitted that he carried out his plan with exceeding skill. Arriving off Fort St. David in the afternoon of the 21st, and descrying and being descried by the English squadron, with which, he being to windward, it was optional with him to engage, he altered his course to the south-west, as though he intended to wait for the morning to attack. The English admiral was so impressed with the idea that either this or a design to gain Pondichery was his intention, that he took no more advantage of the landwind which blew from off the coast in the evening, than to maintain out at sea the latitude of Fort St. David. But night had no sooner fallen, than the French admiral again altered his course, and stood up for Madras. Having reached it the following morning, he waited only to land three hundred soldiers, including several that were invalids, and £200,000 in silver; this successfully achieved, he hastened back to the Isle of France, having

\* There were one of 74 guns, one of 56, two of 50, two of 40, and one of 26 guns.

† This consisted of three ships of 60 guns, three of 50, three of 40, and one of 20 guns.

completely deceived the English admiral, and accomplished at least one great part of his purpose.

But the indirect effects of this expedition were greater even than those which were apparent. Ignorant of the course taken by the French fleet, Admiral Griffin left his position off Fort St. David to go in search of it. This intelligence had no sooner reached Dupleix, than he determined to profit by it, and by a bold effort to surprise Cuddalore. To this end he despatched on the 27th June a force of 1,800 men, of whom 800 were Europeans, to make such a *détour* as would bring them without being observed into the vicinity of that town, upon which they were to fall in the darkness of midnight. But Major Lawrence, who had arrived six months before from England to command the English forces in India, was too well served by his subordinates. He was informed not only of the approach of the French, but of their intentions. He made no secret of the knowledge. Indeed, he openly used it to increase the confidence of the enemy. He ostentatiously removed the garrison and the guns from Cuddalore, and gave out that he intended to confine himself to the defence of Fort St. David. No sooner, however, had night fallen than he threw a strong garrison into the place, and mounted all the guns he could spare upon the ramparts. The French, completely deceived by his movements during the day, made sure of their conquest, and neglected every precaution. At midnight they advanced carelessly towards the place, believing they would meet with only a nominal resistance. But they had scarcely planted their scaling ladders, than they were received with such a fire of grapeshot and small arms, as sent destruction and disorder into their ranks. Utterly confounded and panic-stricken, they retreated in the utmost confusion, scarcely stopping for a halt, till baffled and humiliated they reached Pondichery.\*

Thus for the fourth time was Dupleix forced to renounce his designs upon the last refuge of the English. The fault on this occasion was certainly not his own. An experienced and resolute general at the head of such a force as that of which the French detachment was composed, would have made Major Lawrence bitterly regret his *finesse*. Had the French advanced against Cuddalore, as soon as they observed its walls dismantled and its garrison retreating, the chances in their favour would have been very great. Major Lawrence, and not the French, would then have been surprised; the tables would have been turned on the author of the stratagem. But to do this required a head

We have been unable to ascertain the name of the officer who commanded the French troops on this occasion.

to devise, a resolution to execute promptly and at the moment. These were wanting in the leader of the French force. A foolish confidence reigned where energy and watchfulness ought to have held sway, and the movement which might have been made fatal to the English was, without thought, without examination, tacitly and complacently permitted by the French leader to become the means of inflicting upon his army a terrible defeat,—upon the French colony a danger that appeared to forebode almost inevitable destruction.

For, in ordering this last attack, Dupleix had a far different purpose than that by which he was promoted in sanctioning those that preceded it. Then he was fighting for empire, he was struggling to expel the English from the coast. But since the last attack for that object, made on the 14th March, had been foiled by the arrival of the English fleet, the aspect of affairs had changed. It was not only that Admiral Griffin still remained on the coast, preventing French traffic, obstructing all communication with France; it was not alone that M. Bouvet had appeared off Madras only to land a few soldiers and to return to the island; but since that attack, intelligence had reached Dupleix that the English had fitted out a most formidable fleet and army,—larger than any that had yet appeared in the Indian seas,—with the express object of laying siege to Pondichery, and of retorting upon that city the disaster which had befallen Madras. He knew, from letters received from the French Ministry, that that fleet and army had left England during the preceding November, and might be expected to appear at any moment in the Bay of Bengal. It was, then, in an entirely defensive point of view that he had designed his fourth attack upon Cuddalore. Securing that place, and by its means Fort St. David, during the absence of Admiral Griffin, he would have deprived the English force of any base of operations on the shore, and would have compelled them to attempt, in the face of an enemy, a landing upon a coast which presented natural difficulties of a most formidable character. The carelessness of his officers defeated, however, this well-considered project.

Forced then, once again, to depend upon his own resources, to resign himself to defence, he began, with characteristic energy, to strengthen as much as possible, before the enemy should appear, the places which he yet held. Of these, next to Pondichery, the principal was Ariancopan, a small post two miles from Pondichery, and about a mile and a half from the sea. To this place Paradis was sent, in his capacity of chief engineer, with instructions to make it as capable as possible of defence. He executed his instructions in a most effective manner. The fort



itself was a triangle, with but few defences exterior or interior. Paradis set to work to construct three cavaliers within the body of the place, a deep ditch, and a covered way. The care of the works thus fortified was consigned to a young captain, named Law, a nephew of the famous Scotch financier, whose influence on the affairs of the French India Company has been before referred to.

We have already recorded the noble manner in which Dupleix, in the early days of his administration, had devoted himself to the completion of the fortifications of Pondichery.\* The fortifications facing the sea, on which he had laboured with so much earnestness, consisted of two demi-bastions, one at each extremity of the face. On the three other sides the city was defended by a wall, and a rampart flanked by eleven bastions. The entire works were surrounded by a ditch and an imperfect glacis.† The side opposite to the sea, facing the interior, was also defended by several low batteries, capable of mounting upwards of one hundred pieces of cannon, and commanding the approaches from that side. Besides these artificial defences was a formidable natural protection, consisting of a hedge of prickly pear, which beginning on the north side at the sea, a mile from the town, continued a semicircle all round it, until it joined the river Ariancon, close to the fort of the same name; from that point the river continued the line of defence to the sea. Within this enclosure were cocoanut and palm trees so thickly studded as to render the ground very difficult for the advance of an enemy. Of these fortifications, Paradis after the completion of the defences of Ariancon, was constituted chief engineer, and charged with the defence.

It will be recollected that on the occasion of the attack upon the French at St. Thomé by the Dutch in 1674, that enterprise owed its success principally to the fact that the Dutch admiral had succeeded in inducing the King of Golconda to operate by a land attack at the same time; and that similarly during the siege of Pondichery in 1693, the Dutch had enlisted in their service a large body of native troops. Dupleix was now warned by the French minister that these tactics would again be pursued, that immense efforts would be made to gain over the native

\* *Calcutta Review*, No. lxxxiii, page 155.

† The account of the fortifications of Pondichery, and of the siege generally, so far as relates to the operations of the English, has been taken from the journal of an English officer present at the siege, re-printed in the *Asiatic Annual Register* for 1802, and which Mr. Orme has copied almost verbatim.

princes to English interests, and that the English commandant was well provided with presents for that especial purpose.

Leaving, for a moment, the French Governor devoting himself to the defence of the territories which he held for his Sovereign, and endeavouring, by all the means in his power, to counteract beforehand the effects which the presents of the English were, he well knew, only too likely to produce on the mind of Anwarooddeen, we must turn to the proceedings of that fleet, the departure of which from England had caused so much perturbation and excitement in the French settlement. It was true, indeed, that the English East India Company, indignant at the loss of Madras, had determined to spare no efforts for its recovery, and that the English ministry, sharing the sentiments prevalent at the Indian board, had promised to aid them with a fleet and army. Of these, when all the other arrangements for their departure had been determined upon, the double command was bestowed upon Rear-admiral the Hon'ble E. Boscawen, this constituting the second and final occasion, subsequently to the Revolution of 1688, in which two such commands were united.

Admiral Boscawen was a man of birth and character. A grand-nephew of the famous Marlborough, he had entered the navy at the age of twelve years, and passing with credit through all the subordinate grades, had found himself, when only twenty-six years old, captain of a man-of-war. Two years later, the ship which he commanded formed a part of that fleet at the head of which Admiral Vernon took Porto Bello and failed at Carthagena. In these expeditions, only partially successful as they were, Captain Boscawen lost no opportunity of distinguishing himself, and he soon acquired a reputation for skill and enterprise such as, combined with his high birth, marked him out for future command.

This was not long in coming to him. When it was decided in England to make a great effort to deliver a counter-stroke for the capture of Madras, Boscawen, then only in his thirty-sixth year, was selected to command the expedition. The instructions he received were to endeavour to deprive the French of the base of their operations against India, by the capture of the Isles of France and Bourbon, and, succeeding or not in that, to deliver his main blow against Pondichery itself.

On this expedition, with eight ships of war,\* and a convoy of eleven ships having on board 1,400 regular troops, Boscawen

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\* The fleet was composed of one ship of 74 guns, one of 64, two of 60, two of 50, one of 20, a sloop of 14 guns, a bomb-ketch with her tender, and a hospital ship.—*Orme*.

left England on the 15th November 1747. The greater number of these reached the Cape of Good Hope on the 9th of April of the following year. The remainder arrived sixteen days later, but it was not till the 19th May that the admiral left Table Bay for the islands. He had received here, however, a considerable accession of force in six ships and 400 soldiers belonging to the Dutch East India Company. The united force, with the exception of three vessels, sighted the French islands on the morning of the 4th July.

Had the Isle of France been in the same position with respect to its defences in which it was in 1735, the English admiral would have found little difficulty in gaining possession of it. But by the efforts of La Bourdonnais during the five years of his administration subsequent to 1735, fortifications had been erected all along the coast, such as rendered an attack upon it, especially at a season of the year when the wind blew strongly from the land, a matter of great uncertainty. Thus, although the garrison was small, consisting of only 500 regular troops and 1,000 sailors lent from M. Bouvet's fleet, then at anchor within the harbour, the defences had been so skilfully thrown up, and there appeared to be such a firm resolution to defend them with pertinacity, that the admiral, after three days spent in examination of the coast and in futile efforts to obtain some information as to the strength of the garrison, felt constrained to call a council of war to deliberate on the expediency of an attack. At this council it was resolved, with the concurrence of the admiral, to avoid an encounter which might perhaps disable the fleet from attempting its greater undertaking, and to push on with all speed to Pondichery. They set sail for Fort St. David accordingly on the following day, and parting company with the Dutch ships, arrived there on the 11th August, effecting a junction with Admiral Griffin's squadron.

This union constituted the force at the disposal of the English commander the most powerful that had ever arrived in the Indian seas,—far more so than that with which the Dutch had conquered Pondichery in 1693, and infinitely more effective than that which La Bourdonnais had led to the capture of Madras. In this case, moreover, the English general was at ease regarding his communications. There was no hostile fleet threatening to interfere with his plans, or to contest with him the supremacy at sea. He was in possession of such strength\* that he was able to divest his mind of all fears of naval attack, and to flatter himself.

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\* His fleet after the junction with the fleet of Admiral Griffin, who himself left for England, consisted of 30 ships, of which 13 were ships of the line.—*Orme.*

with a certainty of the conquest of Pondichery. To attempt this last he landed an army which, by its junction with the troops already at Fort St. David and with 120 Dutch sent from Negapatam, amounted to 6,000 men, of whom 3,720 were Europeans. Of this force he detached 700 Europeans on the morning of the 19th August to attack Ariancopan. We have noticed the preparations which Dupleix had made at this place,—the out-work of Pondichery,—to resist the enemy. So well, indeed, had his plans been carried out, that the English were entirely unacquainted with the additions that had been just made to its strength, and, like the French at Cuddalore, they marched to its attack with a careless confidence, that seemed to betoken a certainty on their part of easy victory. Captain Law, who commanded the garrison, allowed them to approach within forty yards of the works without firing a shot. Then, however, he opened upon them with grapeshot and musketry, making great havoc in their ranks. The English, completely surprised, without scaling ladders, unable to advance and unwilling to retreat, for a short time kept their ground. But as the fire of the enemy continued they became sensible of the folly of a further continuance in such a position. They accordingly moved off, but not until they had lost 150 of their number killed and wounded. This success greatly inspired the French garrison, and restored to them the confidence which their several repulses at Cuddalore had taken from them. They had reason now to hope that a persistent defence at Ariancopan would contribute to save Pondichery. Impressed with this view, they proceeded at once to throw up a battery of heavy guns on the opposite side of the little river on the north of the fort, by means of which an advancing enemy would be taken in flank and enfiladed. Upon this the English, after one or two failures, erected a battery covered by an entrenchment, to reply to and silence the enemy's fire, and manned it partly by sailors from the fleet. Captain Law, however, resolved to take advantage of the enthusiasm which their recent success had excited amongst his garrison, and moved out of the fort with 60 cavalry and about 150 infantry under cover of a fire from the ramparts. Charging then at the head of his horse, he threw, first the sailors, and immediately afterwards the regular troops, into disorder, drove them from the entrenchment, and took some prisoners, conspicuous amongst whom was Major Lawrence, whose defence of Fort St. David and Cuddalore had given him a reputation which he was soon to raise to a far greater height.

Up to this point the French had great reason to congratulate themselves on the success which had attended their defensive operations. They began even to entertain the hope of keeping

Ariancopan secure from the enemy. But, at this crisis, one of those accidents from which no army is absolutely secure occurred to dash their hopes. A large store of gunpowder within the fort was suddenly ignited and blew up. The effect was most disastrous. Nearly 100 men of the garrison were killed and wounded, and, what was of greater importance, a conviction was produced amongst the panic-stricken garrison that the place could no longer be successfully defended. They accordingly blew up the walls and the cavaliers, and retreated at once to Pondichery.

Still, however, their success against the English had produced a great effect upon the garrison of that city. Their confidence too was increased by observing the caution of the English commander. Admiral Boscawen, indeed, occupied Ariancopan on its evacuation by the French, but, instead of moving at once upon Pondichery, he remained five days to repair the fortifications of a place which was useless to him, and which, in its dismantled state, could not be used to any purpose by the enemy.

On the 6th September, however, Boscawen moved on Pondichery, taking possession of a redoubt on the north-west angle of the prickly pear hedge. But it was not until the 10th that he opened ground, and then only at a distance of 1,500 yards from the covered way. The next day 150 men having been detached to make a lodgment about an hundred yards nearer, 1,200 men of the garrison\* under the command of Paradis made a sortie, attacking both trenches at once. But the fall of Paradis, who was mortally wounded early in the sally, threw the party into disorder, and they were repulsed with the loss of seven officers and an hundred men. The death of Paradis, which occurred within a few days of his wound, was the greatest misfortune that could have occurred to Dupleix at this juncture. He was his most capable officer,—the only man upon whose combined prudence, knowledge, and daring, he could absolutely rely. In his memoirs he describes him as ‘a man of intelligence, well acquainted with his profession, thoroughly acquainted with the locality, and with all the defects of the place. He had prepared all manner of devices to offer opposition to the enemy, especially in the weak points of the place’. The loss of such a man was the greater, as there was no one within the walls to supply his place. That is, rather, there would have been no one, had not Dupleix himself showed that great genius is capable of universal application, and that even the arts of the warrior are not beyond its attainment.

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\* The French garrison consisted of 1,800 Europeans and 2,000 s

Another, though a lesser, misfortune befell him at the same time. True to the instructions he had received in England, Admiral Boscawen had not delayed to urge the Nawab of the Carnatic to pronounce decidedly against those French, whose destruction he announced to be certain. The admiral supported his requisition by presents of considerable value. Dupleix had little to offer on his part. Yet so great was the respect in which the French name was held, so high the opinion entertained of the great qualities of Dupleix, that, notwithstanding their apparently forlorn and helpless condition, the Nawab hesitated long before he gave way to the entreaties of Boscawen. It was only after the fall of Ariancopan, and when the French were shut up within the walls of Pondichery, that he agreed to the alliance pressed upon him, and promised to assist the English with 2,000 horse. He actually sent, however, only 300 men, and those towards the conclusion of the siege.

One consequence of the death of Paradis was that the management of all the details of the defence devolved upon Dupleix. To use his own modest expression, 'the study of mathematics and especially of fortification which his father had impressed upon him, became now of great assistance to him; he was sufficiently fortunate to be able to recollect the knowledge of this nature which he had acquired, so that all his operations succeeded even beyond his hopes.' Fortunately for him, his efforts were seconded by the inexperience of the English admiral in military operations, and the consequent neglect by him of some of the first principles affecting the conduct of a siege. But even this incapacity would not have interfered with the ultimate success of the English, had the garrison been permitted to give way to the despondency which reigned among them, in consequence of the death of the chief engineer. It was Dupleix who prevented this. It was Dupleix, who, calm in danger, maintained an outward serenity and confidence that became contagious; who, by the attention he paid to all points of the defence, by the skill with which he strengthened the weak places, and repaired those damaged by the enemy's fire, speedily transferred to his own person a belief in his capacity that savoured almost of enthusiasm. It was, in a word, this civilian governor who became the life of the defence, the hope of the defenders, the one principal cause of the ill-success of the besiegers.

From the 6th of September, the day on which Boscawen moved on Pondichery, to the 17th October, forty-two days of open trenches, the siege was pushed with all the vigour of which the English leader was capable. But his efforts were thwarted by the skill and gallantry of Dupleix. Constant sorties were on

less successful, always retarded and often defeated the advances of the besiegers. The English having, after much labour, advanced the trenches to within eight hundred yards of the walls, it was found that owing to the existence of a morass, it was impossible to carry them further on that side, and it became necessary to raise the batteries that had been erected. When at last a heavy fire was opened on another part of the town, it was found, that owing to the skill and energy of Dupleix, the fire of the besieged at that point was double that of the besiegers. The ships of the fleet which were brought up, as a last resource, to bombard the town, were compelled to sheer off after receiving much more damage than they had been able to inflict.\* So energetic, so determined, so successful was the defence, that the English admiral found at the end of five weeks, that he had actually gained no ground at all; that he had lost some of his best officers and very many men; that the enemy had been able to concentrate on his several attacks a fire far more destructive than that which he had been able to bring to bear on their defences. Added to this, the periodical rains which began to fall at the end of September had brought sickness into his camp, and had warned him that the real difficulties of his position were only about to begin. Under these circumstances, acting under the advice of a council of war, he commenced, on the 14th October, the destruction of the batteries, and the re-embarkation of the sailors and heavy stores. On the 17th, this vast army, the largest European force that had till then appeared on Indian soil, and which counted a Clive † amongst its ranks, broke up and retreated to Fort St. David, leaving behind it 1,065 men, who had perished either from the fire of the enemy, or from sickness contracted during the siege.‡

Thus had Dupleix, by his firmness, his skill, the wonderful activity of his genius, baffled that great enterprise which was to bring destruction upon French India, to root out the French

\* The author of the journal before referred to, innocently remarks that 'owing to the distance of the ships from the town, and the heavy swell of the sea, shots never successively struck the same object.'

† The author of the journal writes as follows: 'The celebrated Lord Clive, then an ensign, served in the trenches on this occasion, and by his gallant conduct gave the first prognostic of that high military spirit, which was the spring of his future actions, and the principal source of the decisive intrepidity and elevation of mind, which were his characteristic endowments.'

‡ The loss of the French during the corresponding period amounted to 200 Europeans and 50 natives. On their way to Fort St. David, the English wreaked a last vengeance on the port of Ariancopan, by utterly destroying what remained of its defences.

establishments from the soil of Hindostan. If we take a retrospective glance at all that had been accomplished during this first struggle in the Carnatic, we shall be utterly unable to refrain our tribute of admiration from the man who possessed the brain to conceive, the steadfastness to carry out, that long list of daring achievements. The capture of Madras, its preservation to the French, the determination to dare the brunt of of the contest with the Mogul, the glorious result that followed that determination, together with this crowning defence of Pondichery, were works of his conception; to him too is mainly due the merit of their execution. Even at the greatest crisis of his fortunes he found means to send efficient aid and support to the other settlements dependent on Pondichery,—a wonderful feat, gratefully acknowledged as such by his masters.\*

If, on one occasion, owing to circumstances of which we have no knowledge, he failed to take advantage of a great opportunity that offered for the destruction of the last establishment of the English on the Coromandel coast, few will deny that he made up for that one mistake by the wonderful skill and energy, with which, as civil governor, as commandant, as engineer, he conducted the defence of Pondichery against a force that might well have been regarded as irresistible. Truly may we echo the language used on the occasion by the Directors of the French Company, and declare that if all his other achievements merited the thanks of that France

\* 'All that you have done up to that time ought, in truth, to have made us tranquil regarding the fate of Pondichery, and your last letters of the 28th August, written at the time that the English had commenced their attack upon your advanced posts, left us nothing to desire, either with reference to the precautions you had taken, or to the courageous dispositions which you had inspired in the garrison and in everybody. Ought then our demonstrations of joy to be less, when on the 20th of last month, a courier despatched by Monsieur Durand, our agent in London, announced to the Court this new triumph of the national arms?

'If it has been already satisfactory for you, that the Company could declare that the capture of Madras was due to the succours which you had furnished to M. de la Bourdonnais; that it was your firmness, the wisdom of your measures, and the choice of the brave officers you had employed, which compelled the Moguls to sue to you for peace; that you would even have taken Fort St. David from the English but for the unexpected arrival of Admiral Griffin; and that, finally, despite of the difficulty of communications during the entire war, you had found means to provide for the substance and security of the settlements of Chandernagore, \*Karical, and Mahé; what praises do you not deserve now, when by the glorious use of the succours sent you by M. David' (alluding to M. Bouvet's fleet) 'you have repulsed the most powerful efforts of your enemies, and have preserved to the Company all their establishments.' *Lettre de la compagnie des Indes, le 11 Avril, 1749.*



whose interests he served so well, this crowning success placed him on a pinnacle far beyond the reach of ordinary applause.

We can well imagine,—we who have traced Dupleix up to this point of his career, who have noticed the manner in which he seized every occasion of exalting the power of France in the eyes of the natives of India,—how eagerly and effectively he used the opportunity offered by the retreat of the English army to increase and magnify its effects. Messengers were instantly despatched to Arcot, to Hydrabad, even to Delhi, to acquaint the native potentates how the most formidable foreign army that had ever landed in India had been shattered against the walls of Pondichery.\* The answers to these communications showed how thoroughly he had mastered the characters of those whom he addressed. Letters of congratulation poured into him from all sides. He received the greatest compliments on his success. The English were regarded as an inferior, almost an annihilated, power; and the one result of this long-threatened attack was to invest Dupleix with an influence and an authority, such as had up to that time devolved upon no European leader on Indian soil.

The siege of Pondichery had been raised, as we stated, on the 17th October. The English had retired in a state of deep dejection to Fort St. David, where for a time they occupied themselves more with thinking of their own safety than of attacking the possessions of France. Dupleix, on his side, made earnest preparations for the renewal of offensive operations. He received early in the following year (1749) further supplies of men\* and money from M. Bouvet, who despite the presence at Fort St. David of the still numerous English fleet, gained the Madras roadstead and landed the soldiers and specie without molestation. It was at this time, when Dupleix was planning new enterprises against the English, that orders from Europe reached both parties for a suspension of arms, pending the result of negotiations which had been entered into at Aix-la-Chapelle. These were shortly afterwards followed by an intimation of the conclusion of the treaty which bears the name of that ancient city.

By one of the articles of this treaty a mutual restitution of conquests was agreed upon between France and England,—a condition which necessitated the abandonment by Dupleix of that Madras, gained with so much daring, and guarded with so much jealousy and vigilance. Bitter must have been the pang with which the French Governor received the order to make a restitution which he knew well would be the first step towards

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\* 200 in number.—Orme.

providing his hated rivals with a new foundation of greatly increased power; deeply must he have lamented the blindness of the ministers, who, not possessing his vast *coup d'œil*, could look upon Cape Breton as a sufficient compensation for a place which, if retained in 1749, would, as we shall see hereafter, most certainly have given the French an overwhelming superiority, leading to empire, in Southern India. But Dupleix was there, not to remonstrate, but to obey. The orders he had received were without appeal, and in obedience to them he, towards the close of the month of August, made over Madras to Admiral Boscawen. As if to add to his chagrin, he was forced to make it over, not in the state in which he had gained it, but improved in every way,—with new and fresh fortifications, the town cleared of obstructions, and every thing in train to make it worthy of the fortune to which he too confidently had destined it.

Thus, after a contest of five years, the two nations found themselves, in outward appearance, in the position in which they were at the outbreak of hostilities. Yet, if apparently the same, in reality how different! The vindictive rivalry between both, exemplified in the capture of Madras, the attempts upon Fort St. David and Pondichery, had laid the foundation of an eternal enmity,—an enmity which could only be extinguished by the destruction of one or other of the adversaries. Then again, the superiority evinced by the Europeans over the natives, in the decisive battle at St. Thomé, had given birth, especially in the mind of the French leader, to an ambition of empire which, if at first vague and indistinct, assumed every-day a more and more practical shape. Added to this, the expense of keeping up the greatly increased number of soldiers sent out from Europe pressed heavily on the resources of both nations, and almost forced upon them the necessity of hiring out their troops to the rival candidates for power in Southern India. Thus, during five years which elapsed between 1745 and 1749 their position had become revolutionised. No longer simple traders, regarded as such only by the rulers of the Carnatic, they were then feared, especially the French, by all the potentates in the neighbourhood, their alliance was eagerly sought for, their assistance an object of anxious entreaty. From vassals they had jumped almost to the position of liege lords.

A new era, resulting from this war, dates thus from the moment when the treaty of Aix-la-Chapelle placed the rival European powers in the position in which they had nominally been in 1745. By the East India Companies in Paris and London this change was not even suspected. When the

believed that the new treaty would enable their agents to recommence their mercantile operations. They hoped that the reaction after five years' hostilities would lead to a feeling of mutual confidence and trust. Vain dream! The peace that reigned in Europe, was it not then to extend to both nations in India? Alas! with ambition aroused, mutual jealousy excited, the temptation of increased dominion knocking at their doors, what had they to do with peace?

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## SHORT NOTICES.

*Bhotan, and the Story of the Dooar War, including Sketches of a three months' residence in the Himalayas, and narrative of a visit to Bhotan in May 1865.* By Surgeon Rennie, M. D. 20th Hussars. London, John Murray, Albemarle Street, 1866.

IT is somewhat curious that in these days of scribbling no popular narrative of the late mission to Bhotan has been given to the public by any of its members. Mr. Eden's official report was so thoroughly exhaustive, and in India at least available to the bulk of such readers as were interested in the subject, that, perhaps, the want of a more popular work was scarcely perceived, and possibly too, the circumstances and result of the mission were not such as the participators therein cared to dwell upon longer than was necessary. Meanwhile Dr. Rennie has stolen a march upon them, and written a book which, however disappointing to Indian readers, will we doubt not be eagerly devoured at home.

Dr. Rennie's book may be divided into two parts. The former treats of the history of the mission, and the subsequent Dooar War, and this portion we need scarcely say has been shamelessly borrowed from the Reports of Mr. Eden and others. Indeed, Dr. Rennie takes credit to himself for having drawn so 'freely from the official records having latest reference to the subject,' and so far as he has endeavoured to popularize the substance of 'Government Reports not available to the reading public generally,' there is, perhaps, some merit in this part of his book. But although we had no right to expect to hear any thing new from the writer in question, we could at least have wished that the undisputed facts of history had been left unchallenged, and that the course of the narrative had not been so frequently interrupted and disfigured by the expression of crude and undigested opinions.

The second portion of the book is more personal in its nature, and treats of the author's experiences while attached as surgeon to the 80th regiment, when ordered up to the frontier as a reserve. A ten days' pedestrian excursion from Darjeeling to Dalimcote, and thence back by way of the plains, enabled Dr. Rennie 'to see something of Bhotan and the recently annexed Dooars,' and on occasion to speak with authority as having 'some little personal knowledge' of the latter. A 'little knowledge,' however, is often a dangerous

thing, and most men, we think, will agree with us, that Dr. Rennie's case forms no exception to the rule. We do not doubt that he made ample use of his note-book while at Darjeeling, but there are some subjects treated by him which can scarcely be mastered in a brief sojourn of three months, and in such subjects we object to take Dr. Rennie as our guide. The reader may at times tire of marching through the uninteresting plains of Purneah, but even this is preferable to following our author through his hazy lucubrations on the origin of the mountain tribes.

It is unfortunate that the want of interest in this book is not even compensated by its artificial graces. The style, we regret to say, is radically bad, often ungrammatical, rarely elegant. We will support our assertion with some few examples, and begin with the first sentence in the volume. 'There is 'probably no country in the world that, until within the 'present war, has been *less a subject of interest* than Bhotan, 'and, as a natural consequence, probably *no one* that there is 'less generally known *about*.' This slovenly trick of ignoring the use of the preposition, and leaving it to take care of itself at the end of the sentence, is not of unfrequent occurrence. We quote a few instances: 'Certain points that he might have 'been supposed to give a reliable opinion *upon*', 'whose presence amongst them these rude votive altars became indicative 'of', 'that they have effected possession *of*.' In two passages tribes are spoken of as being *gregarious* in the sense of *nomadic*. And here is a sentence unequalled, perhaps, in its bald inelegance. 'In its neighbourhood, that is to say Dingra- 'Ghaut, *the point that it is crossed by a ferry*, there are a few 'villages, and the country on both sides is well under cultivation, the ground having been recently ploughed.' Dr. Rennie may well seek indulgence at the hands of the public, but not even 'a cuddy table in a sailing troop ship' can excuse such slovenly, slipshod writing.

Another fault, which characterizes our author's style, is the pertinacity with which he will obtrude his own opinions on every conceivable subject. Whether he is criticising the 'headstrong and not over-consistent conduct' of Mr Eden, or from his 'personal acquaintance' with the localities deciding boundary disputes of the last century, or whether again he informs us that leeches are placed on the hill by 'a wise provision of 'nature, to exercise their particular functions for the relief of 'the weary traveller'—it is the same tiresome opinionativeness, the more tiresome as being generally the fruit of ignorance. Bhotan, we are informed, is a corruption of Bhot-istan, and Dr.

Rennie proposes a new derivation of the Semitic Tibet from the Chinese *Tu*, and the local *Bot*, of which no more need be said here. The sole instance which we shall adduce relates to the author's views on the origin of the Sikimese, and is a fair specimen of the obscurity and inconsistency, no less than the dogmatic presumption of Dr. Rennie's style when he attempts to be didactic. 'The conclusions I have arrived at regarding them,' writes Dr. Rennie, 'are based partly on personal observation, partly on information locally acquired, and their result inclines me to question the accuracy of the few opinions which have been given expression to in print, concerning the source from which the present inhabitants of Sikim have sprung.' 'The only published information' Dr. Rennie was able to find with reference to this subject consists of certain extracts from a Hand-Book and a Journal, written by men who, whatever the celebrity of one of them in other branches of science, never, to our knowledge, advanced a claim to be considered ethnologists. Our author seems never to have so much as heard of Brian Hodgson and others who have laboured in this field, but ignoring everything really scientific, he 'endeavours to show that the subject is not one of much ethnological obscurity.' After which expression of self-assumed complacency, we are somewhat surprised to find on the very next page that our preceptor has 'been as yet unable to ascertain whether the Mongolian or Thibetian element predominates.' But on the principle of cutting the Gordian knot, Dr. Rennie thus sums up: 'The Sikimese consist of two classes of people, the one being of Mongolian, the other of Thibetian, descent; neither of them consequently aboriginal to the country any more than the Bhotanese are to the hill tract and portion of the plains of Bengal that they have effected possession of.' 'At a future page, when I come to narrate a conversation I had on this subject with Cheeboo Lama, who is himself a Lepcha Proper (Mongolian), I shall be able to show *how exceedingly difficult* it is to obtain information regarding it, however favourably one may be locally situated, even he who, according to Mr. Eden, "has studied the histories of Thibet more than any living man," being singularly inaccurately informed with reference to the circumstances under which his race became settled in Sikim, and also with respect to its philology.' We can only add that it was a fortunate thing that Dr. Rennie was able to enlighten the poor ignorant semi-savage. 'As the term Lepcha is now so identified with the word Sikimese and two really distinct people (*sic*) included under it, the simplest mode of distinguishing them will be by adopting the terms Mongolian, Lepcha, and Thibetian Lepcha.' Thus, the result

of Dr. Rennie's enquiry is, that we are to use three names to distinguish two people ! And then follows one of those fulsome self-sufficient paragraphs, which so greatly disfigure the book. 'From what has been said the reader will probably be better able to understand such casual observations as occur in the course of my jottings at Darjeeling, respecting the types of the great Mongolian race which are met with in this part of the Himalayas ; and in thus differing from the authorities I have quoted, it is only fair to state that, but for the advantages I had, while residing at Peking, of becoming familiar with the characteristic of the Mongolian tribes, I should not have been in a position to do otherwise than they have done, namely, trust to local tradition, which, amongst the people in question, there is reason to believe, is by no means a reliable source of information.'

But it is time we noticed the few good points about Dr. Rennie's book. Chief among them is a lively and versatile power of anecdote. The discovery of a snake in a dak-bungalow leads to the recital of an incident illustrating the effects of chloroform on snakes, and hence by a natural transition to the discussion of native antidotes for hydrophobia and snake-bites in general. And in the description of his personal experiences, Dr. Rennie's style is simple, and free from affectation. We shall close this critique with the account of an evening passed by our author in a Bhotea hut. 'Everything seemed very comfortable about this little farm. The cows came home at sundown, and were milked, and the pigs were fed out of wooden troughs—the same as they are in England. The male head of the establishment had much the appearance of a Roman of old. His dress was made like the garb of old Gaul, in the form of a loose robe or doublet, descending to the knee, tightened by a waistband, from which was suspended a long straight knife in a wooden scabbard, not unlike the Roman sword. His bare legs and a thick, short, curly head of hair added to the general resemblance. His family consisted of his mother, his wife, a sister-in-law, and three children.

'After dinner we went into the farm-house, and sat there on the floor for some time observing domestic life in Bhotan. The sister-in-law was busy preparing a mixture of boiled rice and warm water, which the old woman gave us to understand by signs was for the children. After the latter had their supper, they were undressed, and in a state of nudity retired to rest behind a bamboo partition. The nature of their bed-clothing we had not an opportunity of seeing. After the children retired, the ladies resumed culinary operations, and

'presented each of us with a *choonga* full of murwa, and a tube to imbibe it. We all took a little of it, and found it rather palatable than otherwise. The farmer was determined not to be behind the female members of his establishment in hospitality, and went to a receptacle from which he produced an English bottle filled with Bhotan whiskey, which he insisted on our tasting. It was by no means an ill-flavoured spirit, but not very strong. It is distilled from barley and rice mixed, and goes by the name of *chong*.'

2. *A History of Persia from the beginning of the nineteenth century to the year 1858, with a review of the principal events that led to the establishment of the Kajar Dynasty.* By Robert Grant Watson, formerly attached to H. M. Legation at the Court of Persia. London, Smith Elder & Co. 1866.

THIS is in one sense a continuation of Sir John Malcolm's History of Persia, though more particularly an account of the Kajar Dynasty which at present occupies the *musnud*. So far as any history can be interesting which is little more than a catalogue of deeds of violence and blood, of treason, massacre and assassination, we think Mr. Watson has certainly made the most of his subject. 'It would have been a gratifying task,' as he remarks, 'to tell of a prospect of the coming triumph of civilization throughout Central Asia,' but that prospect unfortunately is still distant, and the pleasing task was not to be performed without a corresponding sacrifice of truth. But the subject, such as it is, has been well treated. The book is well written, and its style graceful and perspicuous.

The history of Persia is important to the philosopher, as showing what would seem to be the utter impossibility even in this nineteenth century, and under the most favourable circumstances, of organizing a strong Oriental Government. Weakness and instability have so long been characteristic of Eastern monarchies, that they may be said to constitute their normal attributes, and the brightest hopes and most flattering expectations to the contrary are generally doomed to disappointment. But this history is moreover interesting to the Anglo-Indian, in so far as it is a record of the insidious advances made by Russia in Central Asia, thereby exhibiting the necessity which lies upon European nations of preserving the balance of power in the East, by upholding the independent kingdom of Persia. Russia's motives of aggrandisement may be eminently worthy, but there is a point beyond which her encroachments become dangerous to the peace of the world, and the question is, has not that point been reached?



The founder of the Kajar Dynasty was the Eunuch Shah, Aga Mahomed Khan, a conqueror who at the close of last century expiated by a violent death the crimes by which he had paved his way to the throne over the ruins of the dynasties of Safavi and Nadir Shah. He was succeeded by his nephew Futteh Ali, a wise prince, who however neutralized by an avaricious old age the vigorous measures of his earlier years. Unwilling to part with his treasure, he had the mortification of seeing his badly equipped armies driven back before the superior forces of the Russians, and by the treaty of Turkomanchai, concluded in 1828, he was compelled to cede new conquests by which the Russian frontier, between the Euxine and the Caspian, was advanced to its present limits. In this reign too was witnessed that extraordinary spectacle of two rival British missions contending against each other, when self-interest so miserably triumphed over patriotism. The solution of this puzzling enigma, which suggested itself to the Persian mind, is so eminently characteristic, that we shall not apologise for transcribing it. 'General Malcolm was the more open-handed of the two envoys, and as he was known to be the representative of the Government of a commercial company, they inferred that he of course received a percentage upon all the money which he spent during his mission, and that therefore it was for his own interest that he should disburse as much money as he might find the Persians willing to accept.'

Futteh Ali died in 1834, and was succeeded by his grandson, Mahomed Shah, the father of the reigning sovereign. It was during his reign that under pretence of checking piracy, the Russians took possession, in 1842, of the Island of Ashoradeh off Astrabad, and thus, notwithstanding the existing treaty, virtually accomplished the grand idea of Peter the Great, of making the Caspian a Russian lake.

But by far the most interesting portion of the book is that which treats of the life and death of Mirza Teki Khan, the ill-fated Prime Minister of the present Shah—a man as far advanced beyond his countrymen in statesmanship, as he was superior to them in purity of morals. In no unfitting terms does the author pourtray the character of this upright ruler, by whose wisdom and ability Persia might now have possessed a settled and respected Government, had not jealousy and intrigue been enabled to effect his overthrow. We extract Mr. Watson's notice of this remarkable man.

'Mirza Teki Khan, who was at this time appointed to be the Ameer-i-Nizam, or commander-in-chief of the Persian army, owed his elevation entirely to his talents and services. He ~~was altogether of a different nature from that of~~

'countrymen in general. Belisarius did not tower over the  
'degenerate Romans of his day more than did the Ameer-i-  
'Nizam over his contemporaries, the successors of the adver-  
'saries of "the last of the Roman generals." The race of  
'modern Persians cannot be said to be altogether effete, since  
'so recently it has been able to produce a man such as was the  
'Ameer-i-Nizam.\* \* \* \* \* 'The Ameer's system  
'of Government was that which experience has proved to be  
'the most beneficial for an Oriental nation—an enlightened  
'despotism. He made no pretence of wishing to educate the  
'people or of consulting their inclinations. He professed to  
'endeavour to secure their material well-being, and to restrain  
'their evil propensities. But the minister aimed at far more  
'than this; and had his measures been permanently effected,  
'their adoption would have indicated nothing less than a radical  
'change in Persian morality and Persian manners.'

The following is a specimen of the enormity of the evils  
which this minister set himself to reform. 'Of all the  
'traits which go to make up the Persian character, that  
'which, next to excessive vanity, is most strongly developed,  
'is a constant desire to acquire unlawful gains. The word  
'"mudahil,"\* for which there is no exact English term, has for  
'Persian ears a charm which few Europeans can comprehend.  
'"Mudahil" signifies all that one can acquire by receiving  
'bribes, by swindling and extortion, and by all other  
'irregular means. It is "mudahil" and not salary which  
'every Persian official is anxious to secure. A salary regularly  
'paid affords no scope for the display of the talents in which  
'Persians most excel—for dissimulating and overreaching—  
'oppressing and cringing—and therefore a post which has only  
'a good salary attached to it, and which affords no good oppor-  
'tunities of making "mudahil" is looked upon by Persians as  
'being but a poor possession. The Ameer-i-Nizam, himself  
'altogether above being bribed, resolved to suppress the wide-  
'spread system of wholesale bribery which he saw around him.  
'By degrees he effected much in the way of putting a stop to  
'corruption.'

But of course such conduct only made him obnoxious  
and so we are led on to the story of his cruel fate. The  
tale is simple and pathetic enough, without any comment.  
'The Shah's only sister, the wife of Mirza Teki Khan was  
'devotedly attached to her husband, and no one had the heart  
'to tear him from her arms. No princess educated in a  
'Christian Court, and accustomed to the contemplation of the

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\* Literally 'in-come.'—Ed

'brightest example of conjugal virtues that the history of the world has recorded, could have shown more tenderness and devotion than did the sister of the Shah of Persia towards her unfortunate husband. Every day his guard took the precaution of summoning him from his room, in order that they might make sure that he had not escaped; and when he went outside to show himself, his wife was at first in the habit of accompanying him. Seeing however that this ceremony was, a mere matter of form, she ceased to go forth with him, and contented herself with the precaution of tasting of every dish that was set before him. But a man was found who volunteered to put the Ameer to death without the princess being made aware of what was going to take place. One Haji Ali Khan, a clever and worthless adventurer, had been admitted into the Shah's service by the Ameer, and had been made chief of his ferashes; a post of some importance. In order to show his zeal in the service of his new master, the Ferash-Bashi now volunteered to be the executioner of his benefactor. When he appeared at Kashan, the retainers of the ex-minister were filled with joy: for they believed that one, who had owed his advancement in life to their lord, had been chosen to be the bearer of good news. They were doomed to a cruel disappointment. On the 9th January, 1852, the ex-minister was called forth as usual by his guard, and on his appearing alone was seized, gagged, and dragged to an adjoining house, where he was cast on the floor, stripped and tied. The veins in both his arms and his legs were then opened, and he was allowed to linger for several hours in mortal agony. He bore his cruel fate with a resignation which was in keeping with the consistent greatness of his life. The youthful prince, his wife, being alarmed at the absence of her husband, was told by Haji Ali Khan that he had gone to the bath, in order to be prepared to put on a robe of honour which the Shah had sent to him by his hands. When she awoke from her delusion, the heart of her husband had for ever ceased to beat.'

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3. *Prehistoric Man. A lecture delivered in the Dalhousie Institute, Calcutta.* By Henry F. Blanford, F. R. S. Calcutta, R. C. Lepage & Co. 1866.

THIS is the first of a series of lectures which the writer proposes to deliver on the somewhat vague subject of Prehistoric Man, and which will therefore be more properly reviewed upon completion. We only call attention to the present number, as carrying with it the stamp of undoubted ability and a thorough

acquaintance with the discoveries bearing upon the subject, which cannot fail to be appreciated by the public. Mr. Blanford is well known in India as a clever geologist, and if ardour in the pursuit of his favorite science sometimes carries him to greater lengths than his readers are willing to follow him, he is always to be depended upon for accuracy in statements of fact. The writer has naturally regarded his subject in a geological aspect, and the present lecture treats of such facts as may or may not have been proved by the progress of that science in Western Europe. The discovery of flint implements and other relics, evidently the result of human labour, embedded in alluvial deposits side by side with fossils of the mammoth, cave-bear, and other extinct animals, has not only established the high antiquity of the human race, but has given rise to the theory of a 'stone age,' in which the earliest inhabitants were ignorant of the use and probably even the existence of metals. It is the consideration of this age which forms the subject of the present lecture, in which Mr. Blanford in a very readable and popular *resumé* sums up the results that have been achieved in the last ten years. Something in this direction has been done even in India, and we are glad to observe that our lecturer is sanguine as to the ultimate success which will attend such investigations in this country. But we must refer our readers to the pamphlet itself, in which we are convinced they will find much to interest and instruct them.

Passing from the consideration of flint hatchets, the philosopher is impressed with the progress of civilization, and foresees the advent of an age of precious metals, in which the use of silver trowels shall no longer be confined to a certain class of inaugural ceremonies. 'Carrying our gaze from the past to the future, the terrestrial future of man, what a brilliant prospect is opened up. If such as I have sketched has been man's past condition; if through the long strife of ages he has raised himself to his present height, to what may he not attain in the future? Is not this brighter and more hopeful than the poet's dream of shadowy ages of gold and silver, long gone by and never to return?'

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4. *Some Account of Endowments and Institutions in connection with the Diocese and Archdeaconry of Calcutta.* By John H. Pratt, M. A. Archdeacon of Calcutta. Calcutta. R. C. Lepage & Co. 1865.

It is not uncommonly remarked that the best parsons make the worst men of business; but in the eminently practical

work before us, Archdeacon Pratt has proved that there are exceptions to the rule. The Archdeacon has brought together within a small compass the history and object of the several Endowments connected with this Diocese, giving in the case of those created by deed the terms of the trust at length. The work appears to have been originally intended to serve as a manual of ready reference for the Bishop and Archdeacon, but it has been very wisely published, not only for the purpose of affording general information upon the subject, but specially 'to encourage benevolent persons disposed to dedicate their property to pious and charitable uses, in connection with the Church of England, to make bequests after the patterns here commended to their imitation.' There is one defect, however, in the book, which detracts from its utility, and which the compiler has himself stated. 'It will be observed,' he says, 'that this book professes to give some account of institutions connected with the Diocese and Archdeaconry *only in as far as the Bishop and Archdeacon are responsible for the administration of the funds.*' But this is a limitation which does not affect the public at large, and we trust that in a second edition Archdeacon Pratt will see the expediency of extending its present special character, and adapting the work to the more general requirements of the public. The third chapter, for instance, is of little use to any one, except perhaps as a reminder to the two individuals particularly concerned; more information regarding the funds and institutions of which it treats, is to be found in either of the Annual Directories. As it stands however, the book must prove extremely useful to the clergy and others, who, from their official position or otherwise, are brought from time to time into contact with endowments or institutions connected with the Church of England.

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5. *Ten Years in Sarawak.* By Charles Brooke, Tuan-Muda of Sarawak, with an Introduction by H. H. The Rajah Sir James Brooke. London, 1866.

MR. BROOKE has written a very entertaining book of adventure which cannot fail to interest the general reader. It does not pretend of course to any literary merit, and its style can scarcely be accepted as a model of purity. But the story is told in a plain unvarnished way, as though the author were sitting by us, spinning one of those yarns he learnt in the Navy, and was so fond of repeating to his Dyak comrades. And the story is interesting, for what he tells us not only seems with adventure and excitement, but must, from its very

nature, enlist the sympathies of every Englishman. He tells us how a mere handful of Europeans, scattered throughout a large district, has by mere moral force succeeded in establishing an ascendancy over large tribes of blood-thirsty savages. He tells us how piracy and slavery have been checked, and how the murderous, head-hunting Dyaks are gradually being reclaimed to order and civilization. His qualifications for the work, and the happy result of his exertions are thus described by his uncle, 'Rajah Brooke', in some introductory remarks: 'He is looked up to in that country as the chief of all the Sea Dyaks, and his intimate knowledge of their language, their customs, their feelings, and their habits far exceeds that of any other person. His task has been successfully accomplished of trampling out the last efforts of the piratical Malayan Chiefs, and their supporters amongst the Dyaks of Saribus, and of the other countries he has described. He first gained over a portion of these Dyaks by the cause of order, and then used them as his instruments in the same cause to restrain their countrymen. The result has been that the coast of Saráwak is as safe to the trader as the coast of England, and that an unarmed man could traverse the country without let or hindrance.' The following extract, which we select as a specimen of Mr. Brooke's style, will show the reader that piratical Dyaks were not always the most treacherous enemies which he had to encounter, and which drew so largely on his British pluck and indomitable courage. 'After two hours, while we were paddling along close to the bank, followed by Fitz's boat, we glided past a rock, of which I hailed to apprise him; but failing to hear me, their boat's bows dashed against it, bringing her up all standing and heeling her over considerably. I thought it wonderful she did not sink, but the crew quietly pushed her clear, and the boat proceeded as before. A rocky point was ahead of us, round which was a sluice, and with all strength, the crew gave way for the other side. I remarked some broken water, but thought there would be sufficient depth for us to pass over. However, in an instant we went crash against a rock, and there hung for a few seconds. While standing on the top, I saw the bowman thrust by the impetus some ten feet away. With paddle in hand, he looked as if he was going to fly, but dropped into the water instead. Then the boat's crew began to rise, and now I saw we were sinking bows first. So seizing my gold watch and chain, I jumped overboard—three or four strokes took me along side Fitz's boat, when I should have held comfortably to the gunwale, if the boat's crew had not in a most officious manner fisted and

‘dragged me on board very much as if I had been a bag of ‘potatoes.’

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6. *The History of the British Empire in India from the appointment of Lord Hardinge to the political extinction of the East India Company, forming a sequel to Thornton's History of India.* By Lionel James Trotter, late of the 2nd Bengal Fusiliers. In two vols. Vol. I. London. Allen and Co. 1866.

IN attempting to write an impartial record of events of so late occurrence as those treated of in the volume before us, Mr. Trotter set before himself a task, which, fraught though it was with almost insuperable difficulties and serious risk, has not been altogether unsuccessfully performed. The incidents which form the subject of his narrative still live in the minds of many who played an active part therein; and the light in which they are read at the present day depends much on individual idiosyncracies. On some questions party spirit still rages as fiercely as ever; flatterers still fawn and cringe; the disappointed still detract. Great measures can perhaps only be judged fairly by their consequences, while important data have yet to be contributed, wherewith to illumine the record of the past. The time has in fact not arrived for the compilation of a purely impartial history of the period of which our author writes. But some narrative of events was wanting, and, whatever the difficulties surrounding his path, Mr. Trotter has succeeded in expressing himself with a happy moderation, steering as clear of obsequious adulation on the one side, as of rabid invective on the other.

The period treated of in the present volume is one of the most momentous in the history of British India—the rule of Lord Hardinge and Lord Dalhousie. This period, besides embracing military events of no ordinary character—the two Sikh Wars and the second Burmese War—is the more particularly remarkable for the consolidation of our Indian Empire from within, and for such civilizing influences as the introduction of Railways and the Electric Telegraph. To the great Pro-consul himself Mr. Trotter is always just, even when disagreeing with the measures of his administration. Unable to approve ‘that policy of annexation, which marked with a somewhat baneful splendour the whole of his long career,’ he nevertheless shows that for many of the measures which have afforded a handle to his enemies, Lord Dalhousie was not solely responsible; to some he was decidedly opposed. We have treated of this subject so lately, that it is unnecessary to pursue it further, and we shall therefore merely quote one passage from the

tribute of praise with which the writer adorns the memory of one, who will, as years roll on, be set still higher on the pinnacle of Fame.

‘ In less than a month after the final annexation, Lord Dalhousie yielded up the reins of Government to his successor, Lord Canning. Since the days of the great Lord Wellesley, no Governor-General had won so high, so lasting a place in the annals of British India, as the high-bred Scotch nobleman, who, after eight years of steady toil, marked indeed by a long array of brilliant successes in the cabinet, in the field, in every sphere of public usefulness, left Calcutta on the 6th of March 1856, broken down in body, maimed in his dearest affections by the death of his sonless wife, but upheld in spirit by the consciousness of great things done, of great deeds already achieved at an age when in England most public men had their honours all to win. Not even Wellesley had brought under the British yoke so large, so populous a cluster of new provinces, as the viceroy during whose long reign the Punjab, Pegu, Oudh, and various smaller realms had passed out of the hands of their native rulers. But Wellesley himself could not have pointed to a list of public services half so splendid or so many as those briefly recounted by Dalhousie in the masterly minute which summed up and vindicated his Indian career. That he left the Punjab peaceful, prosperous, well-governed, Pegu fairly started on the like course, Oudh quietly accepting her change of masters, the Indian treasury overflowing with cash-balances, all parts of India thriving under the new impulses given with a wise profusion to the industry, the trade, the moral and social advancement of the several races subject to the vice-regal sway,—for these many undoubted blessings the chief share of our praise must be awarded to the viceroy himself, the one quickening spirit of a Government always able, but commonly slow-moving and shy of wandering off the old beaten paths.’

The above extract will give the reader some idea of the forcible nervous style with which Mr. Trotter treats his subject. Possessed of a perfect mastery over the vast resources of the English language, he has adorned his pages with all the graces of studied rhetoric. If we can detect slight errors of minor detail here and there, we may excuse them in our admiration of the work as a whole. If we fail to sympathise with the authors disappointment at the rejection of Mr. Bethune’s ‘Black Act,’ we can at the same time fully understand the radical tendencies, which aim, if perhaps with too great haste, at seeing Europeans and natives placed on the same level. We have no hesitation in saying



that Mr. Trotter's book should be in the hands of every Anglo-Indian, and for our own part, we look forward with considerable pleasure to the speedily announced appearance of the second volume.

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# THE CALCUTTA REVIEW

NO. LXXXVI.

## ART. I.—MISSIONARY SCHOOLS IN INDIA.

OF the manner in which the work of evangelization should be conducted, different views are taken. If the missionary devote himself to the duty of communicating instruction to the rising race, it is deemed by some a relinquishment of the sacred office of the ministry; if he preach to the adult population where he is located, and visit distant cities, towns and villages, to carry to the people the bread of life, others affirm that instead of wandering about the country, he ought to stay at home and educate the young; he is never in the right place, never at the right work, and, to follow the advice of his numerous counsellors, must alter his course of action with every change of the moon. These censors may be dismissed without further notice, but persons of another class demand attention. Among those that object to missionaries becoming school-masters, there are men who possess great talents, a devout spirit, and deep solicitude for the redemption of the pagan world, whose characters are adorned with every virtue, whom we must respect and love, though unable to coincide in their opinions. We will endeavour to state with fairness, and as clearly as possible, the reasons



that have led them to the conclusions to which they have come.

They are to the following effect. Among the Romans and the Greeks, not two in a thousand knew the alphabet of their mother tongue, and among the Jews, the art of reading was little more widely spread; yet our Lord neither personally nor by the agency of others instituted schools. The work he assigned the apostles was to publish in his name the tidings of redemption, and that they understood this to be their work, may be reasonably inferred from the fact that they determined to know nothing among men, save Jesus Christ and him crucified.\* The ministers who came after the apostles, appear to have taken the same views of their obligations. Nowhere do we find them teaching any branch of secular learning. As each age, with all its necessities, was present to the omniscient mind of the Redeemer when he founded the Church, it may be assumed that in prescribing the duties of the first ministers, he prescribed the duties of their successors to the end of time. For awakening the souls of men into spiritual life, he appointed the preaching of the Word, and, till some peculiarity be discovered in the moral state or mental organization of a people, it must be considered as suitable and efficacious now as it was then. That it is so, interesting proofs are afforded in every region of the globe. But human learning has no tendency to produce the same result. Was any man ever brought a step nearer heaven by knowing a little more than his neighbours of history, geography, or mathematics? Many persons among the Romans, the Greeks, and the Jews, distinguished for their talents and acquirements, contemned the doctrines of the Cross, and in every subsequent period such revilers have been numerous. Voltaire, Hume, and Gibbon are conspicuous examples of great learning being compatible with hostility to the Christian faith, of the pride of the intellect fostering the pride of the heart.

As to teaching languages, literature, geography, logic, geology, mathematics, astronomy, philosophy, and political economy in a Christian way,—a plea which is often made to justify the time devoted to them,—it is urged that it is just as possible as doing any other worldly business in a Christian way, as mending shoes, making bread, or churning butter in a Christian way; and it is not more likely that young men by their secular studies will be prepared to receive the gospel than that cobblers, bakers, and dairymaids will by their occupations become pious;

\* 1 Cor. ii. 2.

for, though not necessarily unfriendly to Christianity, these labours are quite distinct from it.

It is likewise stated that education would be carried on, were ministers to devote themselves entirely to their legitimate work. Both Hindus and Mohammedans go to missionary schools, not because they prefer them to others, but because they can be prepared at a small expense to fill lucrative situations, and rise in life; for the sake of the secular learning to be obtained, they submit to listen to the religious instruction which is given.\* In this there is nothing peculiar, many people in other countries are governed by no higher motives, and in the same circumstances would, it is to be feared, adopt a similar course. For instance, were an excellent classical, mathematical, and commercial academy opened by Roman Catholics in any city or town in England, at which the fees were only a tenth of the sum paid in Protestant institutions, it is probable, nay, almost certain, that notwithstanding the character of its religious teaching, it would command a large number of pupils, for generally speaking, parents feel a more lively interest in their children getting on in this world than in their preparation for the next. They would not wish them to believe the dogmas of popery, but, fully aware of the danger of their doing it, they would run the risk for the sake of obtaining for them, on the lowest pecuniary terms, a good secular education. The cheapness of the academy would be the secret of its success, and it is the secret of the success of the missionary schools in the cities and towns of India. Hindu parents, like others, are influenced by worldly principles, and in securing temporal advantages pay as little regard to the lessons of the Vedas, as nominal Christians pay to the instruction of the Bible. They have no desire that their sons should become followers of the Redeemer, and would consider their conversion a great calamity, yet they willingly send them to missionary institutions, though they know Christianity is daily taught, and there is consequently danger of their imbibing its spirit and renouncing the religion of their fathers. The cause of this is the cheapness of the education that is afforded, which costs little more than a sixth of the amount paid

\* The impatience and restlessness exhibited by heathen students in missionary schools while under Christian instruction were brought very recently before the Calcutta Missionary Conference, and how to obviate them and produce a better state of feeling formed the subject of inquiry. The Conference is composed of the clergy and laity of all orthodox portions of the Church.

in Government seminaries, as may be seen in the following table:—

| Names of Schools.  | Monthly rate of schooling fees. | Average rate. | Average rate of the fees of the Calcutta Missionary Schools. | Proportion which the fees of the Missionary Institutions bear to the fees of the Government Institution. |
|--|---------------------------------|---------------|--|--|
| GOVERNMENT INSTITUTION.                                      | Rs. As. P.                      | Rs. As. P.    | Rs. As. P.   | Rs. 1-10-4: Rs. 10 = one sixth nearly.   |
| Presidency College*... ..                                    | 10 0 0                          |               |  |  |
| MISSIONARY SCHOOLS.  |                                 |               |  |  |
| Institution of the Established Church of Scotland,           |                                 |               |  |  |
| College Department ...                                       | 3 0 0                           |               |  |  |
| School Department, ...                                       | 1 8 0                           |               |  |  |
| Ditto ditto ... ..   | 0 8 0                           | 1 10 8        |  |  |
| Institution at Bhowanipore of the London Missionary Society. |                                 |               |  |  |
| The four highest classes                                     | 1 0 0                           |               |  |  |
| The next four classes ...                                    | 0 12 0                          |               |  |  |
| The remaining classes ...                                    | 0 8 0                           | 0 12 0        |  |  |
| Institution of the Free Church of Scotland,                  |                                 |               |  |  |
| College Department, ...                                      | 3 8 0                           |               |  |  |
| School Department, ...                                       | 1 8 0                           |               |  |  |
| Ditto ditto ... ..   | 0 12 0                          | 1 14 8        |  |  |
| Institution of the Church of England,                        |                                 |               |  |  |
| College Department ...                                       | 3 0 0                           |               |  |  |
| School Department ...  | 1 8 0                           | 2 4 0         |  |  |
|  |                                 |               | 1 10 4   |  |

\* We are informed that the fee is to be increased to Rs. 12. If the pupil in the general department study also in the law department, he pays five rupees more, that is, Rs. 15 a month.

The fees of the Government colleges in the provincial cities and towns are less than in the metropolitan college, and this is likewise the case with reference to missionary schools, but except the Serampore and Ohinsurah institutions there are none attached to the missions of Bengal of the same grade as those in Calcutta, consequently no fair comparison can be made between these schools and the Government colleges located in their neighbourhood, which, by a numerous staff and ample pecuniary means, are able to give their pupils a thorough education in nearly every branch of learning. In the Dacca Hooghly, Kishnaghur, Berhampore and Patna

It is further argued that, even admitting education to be the legitimate work of ministers of the gospel located in heathen lands, the system generally adopted in the missionary schools of India is objectionable. Instruction is communicated not in the native, but in a foreign tongue. The vernacular of every country is almost as necessary to the great body of the people, as the food they eat and the air they breathe, and but little less serviceable in accomplishing the purposes of life. In the domestic and social circles, in friendship and estrangement, in peace and war, in work and play, in buying, selling, and getting gain, in marrying and giving in marriage, indeed in all the affairs of this world and as regards those of the next, it is the channel of thought. Though in Europe, at the universities and the public and private schools, Greek and Latin are taught, and a knowledge of them considered an essential part of a polite education, they are not made the medium of tuition, all instruction in literature, science and art, is given in the vernacular. If the zealous Protestants of England resolved to diffuse the doctrines of the Reformation in France by the means of schools, it is said, French would be employed in teaching the pupils; and if the Catholics of Spain laboured to bring Holland into the Church of Rome, Dutch would be used. If either adopted their own language, and not the vernacular of the country as the channel of communication, it would excite surprise. It is therefore asked, what satisfactory reason can be assigned for making a foreign tongue the medium of instruction in India?

As the weekly subscriptions of the husbandmen, the artisans, and the Sunday school children of Great Britain form a large portion of the income of missionary societies, the question is raised, is it a right appropriation of these offerings to devote them to the diffusion of scientific and polite learning. that Hindus and Mahomedans may be prepared for University degrees? Is it in accordance with reason or Scripture to require the labouring poor, who live by the sweat of their brow, to contribute out of their scanty earnings towards the secular instruction of persons who are able to pay for their education themselves, some of whom ride to missionary schools in palanquins, gigs, and carriages?

Such, in substance, are the opinions of some gentlemen who take a deep interest in the spread of the Christian faith among

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Government colleges the fee is 5 rupees, in the two highest classes of the school-department it is Rs. 8, and in the remaining classes it varies, we are told, from Rs. 2 to Rs. 1-8-0.

pagan nations, and contribute in a generous manner to the revenues of missionary societies. What can be advanced which may tend to modify these opinions?

That the work which the Saviour assigned the apostles was preaching the gospel, and that by preaching they understood addressing on the momentous affairs of the soul all classes of persons in the cities, towns, and villages to which Providence directed their steps, must be admitted; but their sacred calling did not interdict business of a secular nature. The little which is recorded of their lives makes this very apparent. St. Paul, in order that he might not be chargeable to his converts, followed the craft of tent-making, with Christian friends at Corinth who were engaged in the same occupation\*. As it cannot be supposed he was less obedient to the instructions of our Lord than his colleagues, we presume that he did not think those instructions, either expressly or by implication, condemned the course he adopted, but believed, that plying a mechanical art to gain a subsistence and defray the expense of his travels, in order that without cost he might spread abroad the news of salvation, was approved by his Divine Master.

The justification of his course of action is found in the motive which influenced him to adopt it. This should be borne in mind in judging ministers who are engaged in the scholastic department of missions. The handicraft which the apostle followed was not his primary object, but made subservient to it; nor is instruction in literature, philosophy, languages and science, the primary object of missionaries. Education in these branches is wanted and prized by the natives of India; it is therefore given to secure their attendance, that opportunities may be gained of making known to them the doctrines of redemption.

The gospel and secular education are not opposed but friendly to each other; the former is the divine instrument of evangelization, and the latter an important human auxiliary. Secular learning loosens the affections of the people from the ancient superstitions of the land. As mathematics, natural, mental and moral philosophy, literature and science are taught in the higher classes of missionary institutions, it may be reasonably supposed that not a few become respectable scholars. The education which they receive has the direct tendency of showing the folly of Hinduism, and the profound ignorance of its celebrated sages, so that a thorough change, respecting a religion which has been venerated from time immemorial, is eventually produced in the sentiments of a large portion of the pupils. They discover that

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\* Acts xviii. 3.

the principles of true science and the records of authentic history falsify the tenets relating to these subjects which are contained in their Shástras. This detection of error in history and science leads them to suspect the truth of their own theology, to despise the dogmas of Bráhmínism, and shake off the shackles which held their minds in bondage to a degrading and demoralizing superstition. Thus, with slow but sure step, they are led to abandon a religion, whose social and civil institutes stupify the understanding and harden the heart, whose pantheon contains personifications of every vice, and examples more destructive than the plague; so far the influence of such education is beneficial, it disposes the mind to receive truth instead of error on all subjects of human learning, and brings to light the gross absurdities of a system which were fully believed to be eternal verities.

Though now under the control of their parents, and therefore possessing very limited influence, ere long these young men will be placed in circumstances widely different, they will be the fathers and guardians of the next generation, and, infusing the knowledge derived from Western literature and science into the minds of their children, will cause the tide of opinion to run with an increasing swell against Hinduism and every kindred superstition.

Some good men, however, look to the future with forebodings of evil. As many educated Indian youths have renounced the religion of their fathers, and embraced no purer faith in its stead, they fear the country will be deluged with infidel opinions. In things respecting which Revelation does not enlighten our darkness, we can anticipate the future only by reading aright the history of the past, whose pages inform us that since the beginning of the world a nation of infidels has not yet existed; that there has been but one national attempt to rid the universe of God, and when only partially awoke from her delirium, France called back the Deity, and acknowledged not only His presence, but the duty of attending the solemnities of His worship.

A little attention to the workings of the human mind in liberating itself from the dominion of error, will enable us to ascertain the cause of educated Indian youths hesitating to believe the Bible. Guided by the lights of secular learning, they have been constrained to renounce the religion of their fathers; they therefore enter on the study of Christianity resolved to subject everything to the test of reason, and consider whatever rises above reason as being contrary to it. The powers which demolished the gigantic fabric of superstition, are applied to the examination of the Scriptures; and it is found that while reasoning is destructive to a belief in Hinduism, it is in some measure

an impediment to a reception of the gospel. Persons born and educated in a Christian land, and who have never left its shores, will hardly be able to realize this; because in one sense their religion has always, as it were, formed part of themselves; it blends itself with their thoughts, feelings and actions, their manners, customs and habits, their domestic and public life; pervades their literature, science, laws and government; is associated with their baptisms, marriages and funerals, and, in short, attends them from the cradle to the grave. The consequence is that the number of infidels is small, and most men, though not pious, reverence the Bible as a revelation from heaven, and dispense with many inquiries which a pagan is led to make in studying its pages. On the other hand everything is foreign to the associations of the latter; each step he takes, he asks himself the questions, what is the reason of this, on what evidence is it founded, and how can it be proved? And as there are some things in the gospel above reason, though not contrary to it, that understandings of the highest order cannot grasp, with reference to which the mind of a Newton and that of a ploughman are on a level, and that must be received, if received at all, with the docility of a child, the sacred volume appears to some educated Hindus as it did to some learned Greeks, and their rejection of the scheme of redemption which it propounds has the same origin,—pride of intellect, and pride of heart.\*

Infidelity however is rather a transition-state than one of a permanent character, nor is it peculiar to this country; many persons in Europe pass through the regions of doubt and unbelief to a cordial reception of the gospel, and some who impugned the Bible are now its able defenders. Similar changes take

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\* Among the mysteries of the Christian religion, we place the things of an immortal life; the Trinity; the Godhead, the incarnation and vicarious sacrifice of the Redeemer. Can we think of God, who laid the foundations of the earth, and spread out the heavens as a curtain, who gave birth to the universe, and life to all the creatures that people its innumerable regions, taking the form of a babe, and lying in a manger, and say that we are able to comprehend it? Can we think of the incarnate Deity, feeling in the human nature which he assumed the effects of distress and poverty, while at the same time as a Divine Being, an infinite plenitude of riches and happiness existed within him;—can we see the Saviour bleeding on the cross, and witness the deep agony of his soul, while, even amid these unexampled scenes of pain and woe, as God, a tide of unbounded and uninterrupted felicity glowed within him, and say that we are able to understand it? We cannot do otherwise than agree with the sentiment of the apostle, 'without controversy great is the mystery of godliness, God manifest in the flesh.'

place around us, and will continue to do so. The forces at work in native society are carrying the people, in a way more or less direct, towards Christianity; the progress is slow, and to themselves perhaps imperceptible. One rite after another of their ancestral faith they petition the legislature to abolish. At their earnest prayer the immolation of widows was prohibited. According to the official returns, the annual average number consumed in British India then amounted to 650, but probably the statistical tables contained only a moiety of the murders; doubtless many, without the cognizance\* of the magistrates, ascended the pyre. Taking however the lowest estimate, and multiplying it by the years that have elapsed since 1829, the result is the preservation of twenty-four thousand human beings, and if we think of the sorrow and agony they and their families would have experienced had they perished in the flames, we can form some conception of the suffering which has been prevented by this statute.\* A law was asked for and passed to terminate the suffering, misery, and crime arising from enforced widowhood. A petition, presented the other day by the most influential Hindu gentlemen, residing in the metropolis and its vicinity, and which bears 21,000 signatures, prays for the abolition of Kulin polygamy† The educated classes now numbering many thousands, are either Vedantic or intuitional Brahmoists, the former renounce Puranic idolatry, and the latter set aside the authority of the Vedas. Whither all these changes tend, he who has mingled much in native society, and carefully read what the respective parties have published in exposition of their views, will be at no loss to determine. In their speeches, lectures, books, sermons and manuals of prayer he finds large importa-

\* Suttee was abolished by Regulation xvii of 1829. In 1828-29, of the 463 Suttees which took place, 420 occurred in the lower provinces, or Bengal, Behar, and Orissa; and of these, 287 in the Calcutta division alone. The following is the official return of Suttees from 1815 to 1828 :—

| Years.       | ... | 1815 | 1816 | 1817 | 1818 | 1819 | 1820 | 1821 | 1822 | 1823 | 1824 | 1825 | 1826 | 1827 | 1828 |
|--------------|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Divisions.   | ... |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Calcutta     | ... | 253  | 289  | 442  | 541  | 421  | 370  | 372  | 328  | 340  | 373  | 399  | 321  | 337  | 308  |
| Dacca        | ... | 31   | 34   | 52   | 58   | 55   | 51   | 52   | 47   | 40   | 40   | 101  | 67   | 49   | 47   |
| Mooishodabad | ... | 11   | 22   | 42   | 30   | 2    | 21   | 12   | 22   | 13   | 14   | 21   | 8    | 9    | 10   |
| Patna        | ... | 26   | 29   | 49   | 57   | 4    | 62   | 69   | 70   | 49   | 42   | 47   | 65   | 55   | 55   |
| Benares      | ... | 48   | 63   | 103  | 137  | 92   | 103  | 111  | 102  | 121  | 83   | 55   | 48   | 49   | 33   |
| Bardilly     | ... | 1    | 13   | 19   | 13   | 17   | 20   | 15   | 16   | 12   | 10   | 17   | 6    | 18   | 10   |
|              | ... | 378  | 412  | 707  | 839  | 651  | 597  | 654  | 583  | 575  | 572  | 639  | 513  | 517  | 463  |

Total of the 14 years

...

...

...

...

9,104

Yearly average

...

...

...

...

650 $\frac{2}{3}$

The probable number of lives preserved by the passing of the Act is 24,070.

† The petition was presented on the 19th March, 1866.



tions from the sacred volume. Phrases, opinions, sentiments, moral rules, and trains of reasoning but little altered in language, taken from the source of all good, frequently meet his eye, and numerous instances come under his notice of similar homage paid to excellent Christian compositions of human origin. Thus piece by piece Hinduism is abandoned, from which to predicate the relinquishment of the whole needs not the vision of prophecy. The present foreshadows the future, and in the actual state of things there is much of an encouraging nature. An intelligent perusal of the poems of Milton, the pages of history and of other books, included in the University course, necessitates a frequent reference to the Christian Scriptures, and the effect on many of the advanced pupils is a growing respect for the religion which they reveal. Whatever difficulties concerning the mysteries of the gospel they may experience, most, probably all, admire the character of the Redeemer and the preceptive portions of his word. As tending to confirm the above, we may mention that but the other day in a large assembly, composed of educated native gentlemen, convened to discuss the character of celebrated persons; one of the audience rose and said. 'I have heard much about Confucius, Socrates, Plato and other sages, but regarding the best, the wisest, and the greatest person that ever lived I have not heard a single word; nothing has been said about Jesus Christ.' Thirty years ago such a statement would not have been tolerated, it would have raised a storm of anger in every breast, the speaker would have been hooted, expelled from caste, and his prospects ruined for life; but since then a change has been wrought. In every part of the hall he was greeted with cheers, clapping of hands, and stamping of feet, indicating that the opinion was entertained by all, though none besides himself had given expression to it.\*

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\* Since the above was written the following has appeared in the *Friend of India*:—"Baboo Keshub Chunder Sen, the apostle of the Bramhos, lately delivered an extempore lecture to his countrymen in the theatre of the Calcutta Medical College on 'Jesus Christ—Europe and Asia.' He sketched the state of the world at the birth of Christ, the life and death of the Saviour, and the progress of the Church till the Reformation and of modern missions thereafter. As a Brahmo, 'avowedly differing from the orthodox opinions of popular Christianity,' he used language like that of Channing and the better class of Unitarians. He said,—'Humanity was groaning under a deadly malady and was on the verge of death; a remedy was urgently needed to save it. Jesus Christ was the necessity of the age: he appeared in the fulness of time. It was from no selfish impulse, from no spirit of mistaken fanaticism, that he bravely and cheerfully offered himself to be crucified on the cross. He laid down his life that God might be glorified. (Hear, hear.) I have always

It is objected to the system generally adopted in missionary schools, that instruction is communicated not through the vernaculars but in a foreign tongue.

How the system originated and to what degree missionaries are responsible for it, it may be well to inquire. The education formerly patronized by the Government of India was of an oriental character, Arabic and Sanskrit were the medium of tuition, English and the vernaculars may be said to have had no place in it, they were so little regarded. The leading subjects taught were false history, false geography, false chronology, false science, and false philosophy; and if we say false religion and morals we shall probably be correct. Unwittingly the State spent its treasure to thicken darkness and stereotype error. The more the pupils advanced, the less they knew, and the less they were fitted for the duties of life.\* Deeply impressed

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"regarded the cross as a beautiful emblem of self-sacrifice unto the glory of God, one which is calculated to quicken the higher feelings and aspirations of the heart, and to purify the soul, and I believe there is not a heart, how callous and hard so ever it may be, that can look with cold indifference on that grand and significant symbol." (Applause.) Referring to the martyrs he said,—'It is such examples of martyr devotion which are calculated to dispel from our minds all cowardice, fickleness and inconsistency, and to make us feel that truth is dearer than life itself.' (Applause.) In vivid terms he praised Luther and condemned Popery. He used such language as this:—'Is there a single soul in this large assembly who would scruple to ascribe extraordinary greatness and supernatural moral heroism to Jesus Christ and him crucified? (Applause.) Was it not he who by his wisdom illumined, and by his power saved a dark and wicked world,—was it not he who has left us such a priceless legacy of divine truth, and whose blood has wrought such wonders for eighteen hundred years,—was not he above ordinary humanity? (Cheers.) Blessed Jesus, immortal child of God! For the world he lived and died. May the world appreciate him and follow his precepts.' (Applause.) If even a hundred of the Brahmoists who applauded these sentences are honest men, Brahmoism has passed far beyond Theodore Parker, and is near the kingdom of Heaven. The speaker we believe to be sincere. Of how many of his followers can we say the same?" *Friend of India*, 24th May 1866, p. 614.

\* In his celebrated minute, dated the 2nd of February 1835, Macaulay says: "A petition was presented last year to the Committee by several ex-students of the Sanskrit College. The petitioners stated that they had studied in the college ten or twelve years; that they had made themselves acquainted with Hindu literature and science; that they had received certificates of proficiency: and what is the fruit of all this? 'Notwithstanding such testimonials,' they say, 'we have but little prospect of bettering our condition without the kind assistance of your Honourable Committee, the indifference with which we are generally looked upon by our countrymen leaving no hope of encouragement and assistance from them.' They, therefore, beg that they may be recommended to the Governor General for places under the Government, not places of high dignity or emolument, but such as may just

with the evils inflicted on the country by such an education, and the little real good, which under the most favourable circumstances could ever be expected from it, some of the members of the General Committee of Public Instruction advocated a sweeping change,\* but others, who were oriental scholars, deprecated the least innovation.† In 1835 the controversy, which

"enable them to exist. 'We want means,' they say, 'for a decent living, and for our progressive improvement, which, however, we cannot obtain without the assistance of Government, by whom we have been educated and maintained since childhood.' They conclude by representing very pathetically that they are sure that it was never the intention of Government after behaving so liberally to them during their education, to abandon them to destitution and neglect.

"I have been used to see petitions to Government for compensation. All these petitions, even the most unreasonable of them, proceeded on the supposition that some loss had been sustained—that some wrong had been inflicted. These are surely the first petitioners who even demanded compensation for having been educated gratis,—for having been supported by the public during twelve years, and then sent forth into the world well-furnished with literature and science. They represent their education as an injury which gives them a claim on Government for redress, as an injury for which the stipends paid to them during the infliction were a very inadequate compensation. And I doubt not that they are in the right. They have wasted the best years of life in learning what procures for them neither bread nor respect. Surely we might, with advantage, have saved the cost of making these persons useless and miserable; surely, men may be brought up to be burdens to the public, and objects of contempt to their neighbours at a somewhat smaller charge to the State. But such is our policy. We do not even stand neuter in the contest between truth and falsehood. We are not content to leave the natives to the influence of their own hereditary prejudices. To the natural difficulties which obstruct the progress of sound science in the East, we add fresh difficulties of our own making. Bounties and premiums, such as ought not to be given even for the propagation of truth, we lavish on false taste and false philosophy." The minute, from which the above extract is made, was written by Macaulay in his capacity of Legislative Member of the Supreme Council, when the minutes of the General Committee of Public Instruction came before the Council.

\* That such a change would be cordially welcomed by the people was indicated by the flourishing state of the Hindu College, which had been founded to meet the growing demand for English education. The Hindu College was established in 1816 by the native nobility and gentry and a few English gentlemen. The institution of the Church of Scotland was established in 1830.

† The Committee consisted of ten members, divided into two parties of equal strength; five were Orientalists, and five Anglicists. The Orientalists were the Hon'ble H. Shakespear, Messrs. H. Thoby Prinsep, James Prinsep, W. H. Macnaghten, and T. C. C. Sutherland, Secretary to the Committee. The Anglicists were Messrs. Bird, Saunders, Bushby, Trevelyan, and J. R. Colvin. Though appointed, on his arrival in India, to be the President of the Committee, Macaulay declined to take any part in its proceedings till the decision of the Governor General was pronounced on the important questions laid before him.

had been long and very ably conducted, was closed. Both parties wrote elaborate minutes, stating at great length their opinions, which were submitted to the Governor General, Lord William Bentinck, for his decision, who, on the 7th of March of that year, pronounced in favour of a radical alteration in the system. It was considered advisable in a political and intellectual point of view to teach English to the people of India, and mainly rely on it as the medium of instruction. This pre-eminence over other languages was given to it, because it is the language of the governing body, and, as the richest repository ever known of learning in all its varied branches, occupies a position in relation to the vernaculars of the country, similar to the position which at one time Greek and Latin occupied in relation to the vernaculars in Europe. However, in thus using it as the means of importing to the East the treasures of knowledge from the West, no discouragement of the cultivation of the vernaculars was contemplated. It was hoped that many youths on completing their studies would go forth as instructors to their countrymen, and, imparting to them in the native tongue the rich intellectual stores of other lands, become the instruments of diffusing abroad the inestimable benefits of a sound education, and of creating in the course of time a vernacular literature of a highly useful character. \* It was believed that in this way the learning which was cultivated in the capital, would rapidly spread to the extremities of the empire. But these laudable objects do not appear to have been practically kept in view. Though the youths instructed under the auspices of the Government are intended to be conductors of knowledge to the masses of the people, yet those who have become eminently fitted for the important office, have not always been encouraged to enter on it, but have been sometimes honoured with places in more lucrative branches of the public service, for which they were less qualified. Thus, by a benevolent but unwise use of patronage, the State has defeated its own educational policy, and retarded the intellectual advancement of the country. Towards enriching Urdu and \* Hindi, the vernaculars of Upper India, with the abundant wealth which exists in the languages of the West, up to the present

\* See Macaulay's minutes of the 27th of October 1835, and the 30th of August 1837; Sir Charles Trevelyan's Book, published in 1838, 'On the Education of the People of India,' pp. 37, 86; and the address of the Hon'ble Mr. Bethune to the Young Men of the Dacca and Kishnaghur Colleges, on the occasion of the Annual Distribution of Prizes. Mr. Bethune was the President of the Council of Education in the years 1848-49, 1849-50, and 1850-51.

time little has been done.\* In the province of Bengal, translations, good, bad, and indifferent, have been made of many English books, and something more than elementary instruction can now be given in the native tongue; still, making proper allowance for the difficulties which have presented themselves, what has been done in vernacular education, considered as the work of a quarter of a century, is very little indeed, and when contrasted with what yet remains to be accomplished, is insignificant. To prove that the country is in a very backward state, we have only to compare the educational statistics of Europe with those of India, as presented in the following table, which shews the proportion of children receiving instruction:—

|   |      |   |
|---|------|---|
| In Prussia it is found to be one in every | 6·27 | . |
| „ Scotland „ one „                        | 8·11 |   |
| „ England and Wales one „                 | 7·7  |   |
| „ Holland „ one „                         | 8·11 |   |
| „ France „ one „                          | 9    |   |
| „ Bombay „ one „                          | 113  |   |
| „ North West Provinces one „              | 189  |   |
| „ Punjáb „ one „                          | 331  |   |
| „ Bengal „ one „                          | 800  |   |

Contrary to expectation, the system pursued has tended to discourage among European masters the acquisition of the native languages. That they should learn the vernacular, even though it be not employed as the medium of tuition, that it would enable them to hold closer intercourse with their pupils, and make them more efficient and useful, one would think could hardly admit of any reasonable doubt; yet some good men have considered its utility not an adequate compensation for the time and labour of acquiring it, and counselled young missionaries, who were engaged in the study of it, ‘to throw it overboard,’—to quote their own energetic words. This erroneous opinion has however met with no countenance in the Bombay and Nagpore missions. There the ministers engaged in the work of education have always been more or less distinguished as vernacular preachers and oriental scholars.†

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\* See the Reply of the Hon'ble Donald Friell McLeod, c. B. Lieutenant Governor of the Punjab, to the Address of the Native Nobility and Gentry of Lahore and Umritsur.

† A writer in the *Friend of India*, July 6th, 1865, p. 776, states that vernacular preaching has been less common with the European members of the Calcutta and Madras Free Church Missions than with those of Nagpore and Bombay, either because English work was more immediately required, or the ministers located there had no gift for languages. The first reason is improbable, the second is inadmissible, and casts, unintentionally no

Though the English language was thus introduced into the schools and colleges of India, and made the chief medium of instruction by an order of the Governor General in Council, the origin of the change must be sought elsewhere. The order did not create, but was an expression opportunely made of a desire for the literature and science of Europe, which the higher and middle classes of the people had long cherished; had they been otherwise disposed, it would have become a dead letter. If they were somewhat influenced by self-interest, it can hardly be a matter of surprise. In all nations there are, it is true, a few who accumulate knowledge from an ardent love of it, and with no ulterior object in view; in countries which have been long prosperous and in a high state of civilization, the number of such persons is gradually augmenting; but this noble feeling is often blended with one of a less elevated character, and learning is pursued as the means of worldly advancement. The most remuneratory knowledge in India is an acquaintance with the English language. In the legislative councils, in diplomacy and politics, in the fiscal and judicial courts, in the police, and at the bar, in the art of medicine, in the scholastic, public works, commissariat, railway, post office, and telegraph departments, in the revenue and trigonometrical surveys, and in every branch of trade and commerce, its use is daily extending, and by lucrative places, the acquisition of it is substantially rewarded. The monetary profit which it yields accounts for so many thousands studying it.

As the State and missionary societies have different ends in view, from the partial failure of the former to accomplish its designs the failure of the latter does not necessarily follow. The object of the state in establishing schools is to educate the people, and this can never be thoroughly and extensively done, except through the vernaculars. Education is the secondary object of missionary societies in establishing schools, and made subservient to their primary one, which is to make the people Christians. The secular education which the natives want and prize, is given to secure their attendance that opportunities may be gained of imparting Scriptural knowledge to them. In every institution, an hour a day is devoted to the Book of Life and the scheme of redemption propounded in its pages.

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doubt, a reflection not in the least merited. The late Mr. Macdonald knew Bengali, and the late Dr. Ewart preached in it with facility. Indeed, from the commencement of the Calcutta and Madras Scotch Missions to the present day, they have been conducted by men not more eminent for their piety and zeal than for their talents; many of them have been excellent classics, capable of learning not only the vernaculars of India but of making every other acquisition they might deem necessary.

Some persons consider the period too limited, but those who have had any experience in the instruction of youths in India, pronounce it sufficiently long. Thus many thousands, belonging to classes that seldom hear the vernacular preacher, and who might have continued in pagan or atheistic darkness, are brought under the influence of Christian teaching. If among them, as among the ancient Jews and Greeks, the doctrines of the cross and the strict rules of an exalted piety be not always cordially approved, and something like antipathy be exhibited, it must be remembered that this is the case, and perhaps not less frequently, when the gospel is proclaimed from the pulpit, or in the streets and lanes of the city, which proves that however modified by circumstances, human nature in its great characteristic features is the same in every country and age, and requires a divine power to create it anew. This spiritual, like the material creation, is the work of God, and over the educational, as over the preaching department of missions, he has stretched out his hands, and what is a matter of controversy among men, he has owned and blessed.

The gifts of the labouring poor to foreign missions flow from that self-denying piety which led the widow, mentioned in the gospel narrative, to cast her mite into the temple-treasury, and to devote them to any other than the purpose for which they are laid on the altar would be sacrilege in its most criminal form. But if common sense and a spirit untinged with bigotry be allowed to guide evangelistic efforts, a temptation to such misappropriation can never present itself. Secular learning will be the means not only of destroying error and spreading abroad the news of salvation, but will cease to be a monetary burden, and may even yield a profit. If all sections of the Church crowd to the city or town where success has been realized, and, in numbers out of proportion to the real wants of the people, open English schools, the cost will be very great. Pupils will be drawn from the long-existing flourishing institutions to fill the new ones, and as this can hardly be done by affording a superior education, it must be accomplished by a reduction of fees, which are already much too low. Consequently, though there be no more scholars, the outlay may be increased a hundred-fold. But if missionary societies rise above this so-called holy rivalry, and commence schools only where they are needed,—and there are thousands of such localities,—the fees will then admit of being augmented at stated periods, and in the course of time sufficient income will be obtained to defray most, if not the whole, of the charges. As in the comparative smallness of the fees lies the inducement of natives

to attend religious institutions, they must be regulated by the pecuniary means of the middle and poor classes, and can probably never exceed half the amount paid in Government seminaries; they are now, as mentioned in a previous page, little more than a sixth. If a few boys, sons of wealthy parents, come to be educated, and instead of walking ride in carriages, they cannot be rejected, nor with prudence can any financial rule, which is in force, be altered or rescinded to suit their special case, and as the object contemplated is to bring, if possible, all ranks under the influence of Christian teaching, their presence is an event to be welcomed rather than deprecated.

We are however far from sympathising with the strange but too common opinion that religion is the dull, cold, inanimate thing produced by drill exercise in catechisms and other formulas. True piety is that nobleness which inspires the soul to struggle heavenward, which against sin in all its forms wages perpetual war, and in holiness and disinterested benevolence reflects the image of the Deity. But though of divine origin, it is destined to grow and flourish by human instrumentalities, and among these the first place must be assigned to preaching,—the place which was given to it in the ministry of the prophets, and in that of our Lord and his apostles. It is an institution which for more than three thousand years has been found suitable to all communities, tribes and nations, whatever may have been their errors, morals and capacities, and whether in a high or low state of civilization. But some persons who admit its general, question its universal adaptation. They say, ‘we have long come to the conclusion that it is of no use preaching to the adults of Bengal, all efforts should be directed to the education of the young.’ Such attacks on vernacular preaching are generally made by persons who are ignorant of the native language and can hold no direct intercourse with the people; consequently the opinion which they entertain of them is not entitled to much deference. Instead of being guided by it men of reflection will ask; if, while untaught a foreign tongue and the way to refute the sophistry of Voltaire and Paine, the Islanders of the South Seas, the Malagasy, the Esquimaux and Hottentots comprehend, believe and appreciate the gospel, and even die for it when storms of persecution overtake them, is it probable that the adult inhabitants of this portion of the world are incapacitated for receiving it? To the supposition facts lend no countenance whatever. In the last decade, the Burisal mission, which is a preaching one and had only 115 children under instruction, received into the Church on a profession of piety corroborated by a devout life 391 members; the educational missions in



Calcutta, whose pupils aggregated 3,198, realized, during the same period, an average increase of 39 communicants, but little more than a tenth of that of Burisal. \* These facts prove that the religion of the Bible is adapted to adults not less than to the young, and to the circumstances of the peasantry as well as to the condition of the rich. '*To the poor the Gospel is preached*' has been the glory of the Church in every age, and sad will it be for India if school-teaching be permitted to supersede the Christian ministry.

Reference has been made to Burisal merely to refute an opinion, which, if allowed to pass unnoticed, might greatly mislead people in England, but instead of approving in the least degree of the educational state of the mission, we think it a disgrace to the home authorities of the Baptist Society. Lest from what has been said a wrong estimate should be formed of the usefulness of Calcutta schools, justice requires it to be stated that Burisal, judged by an increase in the number of communicants, is the most prosperous mission in Bengal.† If we turn to other preaching missions, it will be found that some of them have not obtained in the last decade the number of

| MISSIONS.   | BOY'S SCHOOLS.          |                   |                               | GIRL'S SCHOOLS. |                   | Total scholars of each mission. | Aggregated scholars of the three missions. | Admitted into the Church in ten years. | Average of admissions |
|---|-------------------------|-------------------|-------------------------------|-----------------|-------------------|---------------------------------|--|--|-----------------------|
|   | Vernacular Day Schools. | Boarding Schools. | Anglo-Vernacular Day Schools. | Day Schools.    | Boarding Schools. |                                 |  |  |                       |
|   | PUPILS.                 |                   |                               | PUPILS.         |                   |                                 |  |  |                       |
| CALCUTTA MISSIONS,<br>Established Church of Scotland ... .. | 35                      | ...               | 706                           | 160             | 40                | 941                             | ...  | 9                                      | ...                   |
| Bhowanipore mission,<br>London Society ... ..               | 50                      | 2                 | 585                           | 150             | 60                | 847                             | ...  | 44                                     | ...                   |
| Free Church of Scotland                                     | ...                     | ...               | 1200                          | 156             | 54                | 1410                            | 3198                                       | 64                                     | 39                    |
| BURISAL MISSION ... ..                                      | 60                      | ...               | ...                           | 80              | 25                | 115                             | ...  | 391                                    | ...                   |

See Statistical Tables of Missions in India, Ceylon and Burmah, at the close of 1861, pp. 11 14, by Rev. Dr. Mullens.

† The very great prosperity of the Chota Nagpore mission has not been adduced; the hill-tribes and the people of the plains being of different religions, no fair comparison can be instituted as to the success of missions located among them.

converts vouchsafed to scholastic institutions in the metropolis. Indeed, if an impartial view be taken of the whole of India, it will be proved that educational and preaching missions have realized nearly an equal measure of success ; in some districts the former have been more blessed, and in others the latter. The greatest mistake ever made is to regard them as antagonistic ; they are friendly, and, in a country like this, indispensable to each other. Besides good vernacular schools in the surrounding villages, every mission located in a city or town should have an Anglo-vernacular institution of a high grade. The establishment of a mere elementary school in the neighbourhood of superior ones, conducted under the auspices of the State or of private gentlemen, will not answer even in the most remote degree the object contemplated by missionary societies. That object is to bring boys and young men under the influence of Christian teaching, hoping it may be blessed to their conversion, but, as both Hindus and Mohammedans come to missionary schools to be prepared at a small expense to fill lucrative situations and rise in life, and have nothing of a higher character in view, their attendance cannot be secured, without giving them, in addition to religious instruction, the secular education which they want and prize. This is the principle on which missionary schools were at first established, and on which they continue to be conducted. It is, it will be said, the principle of expedience ; this is readily admitted, but was it not on the same principle that St. Paul worked at tent-making in the city of Corinth, and if in his case the labour were dignified by the motive which led him to resort to it, is it not allowable to the clergy of the present day to impart secular knowledge to gain opportunities of speaking on the glorious things of an immortal life ? How inconsistent to praise the apostle, and in the same breath blame those who are animated by his spirit !

If acting on the advice of their sage counsellors, missionary societies were to sweep away all their educational establishments,\* what would be the consequence ? The State deems the giving of sacred instruction not within its province, and towards the respective religions of the country adopts a neutral policy ; † there are few, if

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\* In 'A Plea for Indian Missions', an address to the Missionary Association of the University of Aberdeen, January 30, 1864, by Alexander Forbes, Esq. A. M. printed at the expense of an elder of the Free Church, and sent to every minister of that community, this counsel is given to the Scotch Presbyterian Missionary Societies.

† We do not mention this as a reproach to the State, for we think the policy wise for India, while we doubt not that by its own divine energy Christianity will make its way to the ends of the earth, with or without the atonement of human governments.

any, private schools for natives, where the doctrines of the Bible are taught, so that if missionaries leave the field, education, on the character of which the future well-being of India so much depends, will be consigned to secularism, paganism, and infidelity. Those who look at the war from a distance, which is here waged between Christianity and the powers of darkness, may deprecate this or that branch of the army, recommend its retirement and a complete change of tactics, but veterans, who have grown grey in the service, consider every branch requisite to a successful issue of the conflict, and will continue, till victory be achieved, to face the hosts arrayed against them, little influenced by the counsels of drawing-room soldiers. In every age of the world, some well-intentioned men have opposed great undertakings, and like the Scotch elder, who earnestly endeavoured to fill the clergy with his own apprehensions, thought they did God service. When missionaries laboured among the Druids of ancient Britain, among those who watched their course there were doubtless a few who despaired of success and communicated to others their forebodings, but the croaking which they heard around them did not damp the zeal or chill the hopes of the missionaries, they worked on, and what resulted? a bloody and potent superstition was effaced from the memory of the nation, and is now buried in the dusty tomes of antiquaries. A similar fate awaits the paganism of India, and the signs of the times indicate its approach; the day will come when it will be a thing of the past, and as little known as the worship which our fathers offered under the wide-spreading oak.

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- ART. II.—1. *The Gazette of India Extraordinary, Calcutta, Friday April 29th, 1864, and July 1st, 1864.*  
 2. *Statement of objects and reasons and Report of Her Majesty's Law Commissioners, dated 23rd June, 1863: idem.*  
 3. *Sir Erskine Perry on Judicial Reform.*

AT a time when so much has been written or said of our law courts in India, of the proposed introduction of the Bill of 1864, and of the new Indian Code, we shall make no apology for entering on a very brief discussion of the subject. A discussion on law can seldom be interesting, unless to those who take a part in its administration: and to a certain extent a writer on a subject of this nature writes at a disadvantage. The art which above all other arts makes other subjects popular is denied him,—that art which is used so largely by eminent writers, which in the hands of Mr. Carlyle can invest the most prosaic characters with something of interest, and whereby Mr Ruskin can infuse something of poetry in his description of an ordinary sunset, in the ripple of a stream, or the dusky shadows of a forest. Pictorial description or word-painting is entirely out of place in a legal disquisition. Nevertheless at a time when the subject of Indian judicature, whether by Her Majesty's Law Commissioners, or by the memorandum of Sir Erskine Perry, or by the discussions of the Indian press, has been brought so prominently before the public, perhaps comments even on a professional subject may not altogether by our readers be considered out of place. Attempts besides Sir Erskine Perry's, *ab extra* as well as *ab intra*, have been made, and suggestions have been offered for remedying some of the most glaring defects of the present system; and while during the next decade by the recognition of legal professional talent in India much good may be anticipated in the way of reform of our Mofussil courts; the free discussion of principles will, we trust, give rise to a clearer perception of what is absolutely demanded for their improvement.

It ought to be remembered that the civil jurisprudence of this country, like international law, or like the common and equity law of England, is in a nascent state. It is constantly in process of formation. New cases are decided; fresh precedents are added; its old principles are sometimes extended or restricted in their application. Regulation III of 1793, the basis for nearly a century of civil procedure in India, is now

inapplicable. And indeed the India of 1793 was very different from the India of 1866. The time has come when Indian law, to meet the requirements of Indian wants, must amplify itself; and as the interests of large classes, who are not natives, become affected, the narrow law of the regulations must expand themselves into the broader principles of English law.

For a number of years past the Acts of the Legislative Council in India, like the Prætorian Edicts of the Roman Emperors, or like the Acts of our own Parliament, (to use the language of M. Hugo,) have "furnished the salutary means "of perpetually harmonizing the legislation with the spirit "of the times;" but this to a certain extent is impracticable now. The number of Acts has multiplied. The code has become too bulky. The expositions of law-officers are no longer permitted for the guidance of the courts on intricate or confused points of Mahomedan or Hindoo law. Act VIII of 1859 and Act XXXIII of 1861 has given to the courts of civil jurisprudence an uniform Code of Civil Procedure. The want of a code of substantive civil law was felt, and in commencing the framing of that code, Her Majesty's Government has not allowed the opportunity to pass which presented itself. Thus, while the new Code of Civil Procedure will consolidate all the previous laws which have hitherto constituted the rules of civil procedure in India, the Civil Code will place in the hands of its judicial officers those principles of civil law which should apply equally to all classes in this country. With the expansion of commerce, with the influx of foreigners into India, it is found that cases arise in which foreigners are parties to suits, and in which it is necessary to consider the legal institutions of other countries. In such cases a law restricted in its application simply to the customs or *lex loci* of this country becomes useless. A broader law is necessary; and those wider principles which are embodied in the code of all nations—the *jus gentium*—must by the Commissioners be made to modify or enlarge the "*jus civile*" for the Indian Empire.

That up to the present Indian Judges have had no substantive law whereby to be guided, must be regretted. Where Indian customs and the *lex loci* were concerned, the futwabs of the law officers were considered to be sufficient for the purposes of substantial justice; and where those were not to be had, even in the higher appellate courts, the Judges too often found in the principles of equity a remedy for the deficiencies of substantial justice. The massive laws of the old Regulations were becoming obsolete. To the layman they were closed books. To the great majority

even of judges in India administering the law, they were found to be overwhelmed by so great a weight and variety of new laws, that too often, instead of referring to those laws, decisions were based on principles of conscience or of equity. Finding a parallel in the annals of ancient Rome, the heavy and uninviting folios of the old Regulations and Acts might have been compared to the three thousand brass plates,—the Acts of the senate and people, which had confused and disfigured the simple majesty of the law of the twelve tables, enacted by the decemvirs.

The laws of a nation form the most instructive portion of its history, and in the annals of British India to those interested in its civil jurisprudence no year has been fraught with more good than that which gave to India its present Code of Civil Procedure. That code dates from the year 1859. It consolidates and amends the previous laws relating to the procedure of the courts of civil judicature in India. It repeals most of the Regulations and Acts which from 1793 had formed the basis of civil jurisprudence and procedure in India. It is now in force throughout nearly all British India. On its first institution it did not affect the jurisdiction of the Courts of Small Causes. But the local Governments are now empowered to extend to them any parts of this code with certain reservations. The code in fact now forms the law of India in all cases of civil procedure; in all regular and miscellaneous civil suits; and in all civil actions whether real, personal, or mixed.

A civil suit is, properly speaking, an action instituted in a court of civil judicature for the enforcement of some right, for the adjudication of some claim, for the adjustment of some demand, or for the redress of some civil wrong, which can only be obtained by the intervention of a civil court. And a regular civil suit is where the action is based on those general principles of law which are enunciated in this code, and is not the subject of any special enactments or of any special or provisional laws. Actions at law are real, personal, and mixed:—“*actionum quedam sunt in rem, quedam in personam, et quedam mixtæ.*” Real—for the specific recovery of lands and tenements: personal—for the specific recovery of personal damages, goods, and chattels, or for breaches of contract; mixed—such as appertain to both, and are reducible to either one or the other class.\*

Under this code cognizance will not be taken in the civil courts in matters of a criminal nature, except those which arise as damages out of real or personal actions. Such actions are of

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\* Co. Litt. 284. Sar. Prin. of Com. Law, p. 1.

the nature of trespass, trover, detinue and libel, and embrace those which are of the nature of personal torts or wrongs, or of injuries to personal property.\* Neither are cases enumerated in Act X of 1859 and Act XIV of 1863, the rent laws, cognizable under this code.

Seven years have elapsed since the date of the code, and as in the contemplation of the Legislature periodical revisions were acknowledged to be necessary, so in 1864 the proper moment seemed to have arrived to supply omissions, to remove doubts, to rectify errors, and to adopt the special provisions and enactments of the code to altered circumstances. Since 1859, writes Mr. Harington,† “great changes have taken place in the judicial agency of the country, as well as in the substantive criminal law in its relation to the administration of civil justice. “Acts committed in connection with the processes of the civil courts, which were not offences before the passing of the “Indian Penal Code, have by that code been made offences and are now punishable by the criminal courts.” The Supreme and Sudder Courts have been abolished. The High Courts in the Presidency towns and in the North-West Provinces have been established by royal charter; and with the exception of their testamentary, intestate and matrimonial jurisdiction, this code regulates their procedure.‡ The Judges may be selected from among barristers or members of the service, Principal Sudder Ameen, or uncovenanted Judges of Small Cause Courts. The courts frame rules of practice, and superintend the working of subordinate courts. Under the recommendation of the Law Commissioners an admission as pleader is given to barristers, advocates, vakeels and attorneys. The office in the Supreme Courts corresponding to the Master of equity has been abolished. Small Cause Courts have been increased, and their pecuniary jurisdiction enlarged.

Under changes so many, a simple and uniform code of civil procedure was felt to be a desideratum. And there can be no doubt that the introduction of Act VIII of 1859, on which the present Bill has been modelled, has supplied a want which had previously been felt; and corrected a defect which was acknowledged to have existed under the old system of Indian civil jurisprudence.

The Bill of 1864 has slightly modified some of the principles of the existing Act. The Mahomedan law-offices have been abolished.

\* Sec. VIII Principles of Punjab Law. Nagpore.

† Gazette of India Extraordinary, April 29, 1864.

‡ 24 and 25 Victoria, cap. civ.

But under the provisions of this Bill, in issues of law, in which nice points of Hindoo or Mahomedan law arise, the courts are empowered to obtain the testimony of skilled persons. Under this Bill the courts may enforce without a suit bonds and written obligations when registered under Section LII of Act XX of 1866 for the registration of assurances. Summonses may be served on witnesses confined under criminal process. The Sections which affect contracts under Act VIII of 1859 and the execution of decrees for their performance have been slightly modified.

Such are a few of the leading points in which the Bill of 1864 differs from the present Code of Civil Procedure. It has been objected that the new Bill, like the Code of 1859, will necessitate in carrying out its rules of procedure much clerical work which must be done by the Judge himself. Under its rules of procedure a very artificial structure of language in the formal orders recorded will have to be used: and with regard to the formulæ of procedure, proficiency will only be gained by labour and drudgery. Much work, which should be done by the clerk of the court and which was performed before by native writers, will now have to be performed by the Judge. The objection is scarcely tenable. We allow that no civil case can be completed under this Code without much of that patient drudgery which is the legitimate work of a clerk, and which would be required in copying Greek Iambics. But a little amount of additional labour would overcome this, and the objections would only be maintained by those who have no inclination for work. Anything under such circumstances would be an excuse for indolence. From time immemorial the tools have been doomed to bear the blame of the unskilful artizan. Who does not remember the clever illustration of Persius, of the sluggard in his third Satire, when incapacitated by rich Falernian, in the pursuit of his morning studies, finding fault with his pen and ink?

Before reviewing the first chapter of the Indian Civil Code, the law of intestate and testamentary succession, we may venture to allude to the abstruseness of Indian law, which has up to the present made it a statute book uninviting to the general reader, and to those interested in its administration a collection of decided cases. We trust as the code is finished, as digests and commentaries are written, the study of Indian law will become more popular. To the writer of this review no subject appears to be more interesting than the study either of ancient or modern jurisprudence. The Commentaries on the laws of England form an essential part of every gentleman's library. The finest legacy



left to the French nation by one of its most gifted authors was undoubtedly the *Espit des Loix* by Montesquieu. "The ~~vain~~ titles of the victories of Justinian," writes Gibbon, "are crumbled into dust; but the name of the legislator is inscribed on a fair and everlasting monument." No portion of the writings of Cicero are more valuable than those which illustrated the jurisprudence of his own country. The works of Virgil and Horace have amused or instructed, but the principles of Tribonian, and the writings of the Scævolas or of Servius Sulpicius have affected, years after their death, the fortune, and interests of all who lived under the action of the Roman laws. The Pandects and Institutes have formed the basis of civil law in Italy and France. The code of Napoleon at the best is a compendium of the rules of Roman law. The international and civil law of other European States has been based on that law; and in the words of Mr. Maine "the Roman law is fast becoming the *lingua franca* of universal civil jurisprudence," and even in the code before us we can trace some of those broader principles which affected, centuries ago, the law of testamentary gifts.

Stripped of many of the technicalities which burthen our own law language, the simple diction of the Indian code will tend much to make the study of Indian law inviting. But to make it interesting to other than a professional class much will be required to be done. A code on its first compilation can seldom be interesting. Neatness and perspicuity must often be sacrificed to precision and an occasional harshness of diction. But it is to be hoped that intelligent commentators will not be wanting to make the code readable, smoothing its asperities, and rendering it more attractive. The Indian code, like the civil jurisprudence of the Roman jurists, like the common Law of England, or like the Code Napoleon of France, has, it will be remembered, been collected from various sources. A body of rules and principles, some of which are found in the past legislative enactments of the Indian Council, and others which have been found in decided cases, or in books which have already been published, will require considerable care to methodize and arrange into order. Nor will this be found to be an easy task. A work which would comprise the whole system of Indian jurisprudence, which, while it would be based on English law, would require to be applicable to the peculiar customs of the natives of this country, must require in its execution talent of an inconsiderable order. To expect that such a work would at once be free from inaccuracies, and at the same time have the lucidity of arrangement, the precision of diction, the purities of language, the classic elegance of

quotation and illustration, which have made the commentaries of Blackstone, or the book of Montesquieu not only readable but text books on law for nearly a century, would be to expect impossibilities; and no more ingenious appeal could be made than that recorded in the language of the Indian Law Commissioners themselves. "One peculiarity in the manner in which this code has been framed will immediately strike your Lordship in Council. We mean the copious use of illustrations. In our definitions we have repeatedly found ourselves under the necessity of sacrificing neatness and perspicuity to precision, and of using harsh expressions; because we could find no other expressions which would convey our whole meaning, and no more than our whole meaning. Such definitions standing by themselves might repel and perplex the reader, and would perhaps be fully comprehended only by a few students after long application; yet such definitions are found and must be found in every system of law which aims at accuracy. A legislator may, if he thinks fit, avoid such definitions, and by avoiding them he will give a smoother and more attractive appearance to his workmanship; but in that case he flinches from a duty which he ought to perform, and which somebody must perform."

The Civil Code is intended to supersede all others; and the Law Commissioners trust that resort will be had to no other system of law for solving an ambiguity or supplying an omission. As the code itself appears to be based on the more liberal principles of English Common Law and Equity, we trust that in future it will form, to use the language of Livy, the "*fons omnis publici privatique juris*," the fountain and source of Indian jurisprudence.

The framers of the Code are of opinion that the new law should not be applicable to all India: and under Sec. 340 of the Bill of 1864 it is proposed specially to exempt Hindoos and Mahomedans from its provisions. This is not, we believe, necessary, unless as regards the chapter on testaments. The law generally does not militate against the hereditary customs of either of those classes. Nor, from the nature of their past government, would any objections have been raised if it did so militate. Accustomed to a rigid and despotic sway under their own rulers, ready to lend a willing and unhesitating obedience to orders dictated by the cupidity or caprice of their magistrates, it is not likely that they would now find themselves aggrieved by decisions based on a Code, which has received the sanction of the legislature. But while special exemptions may be claimed for the peculiar laws which in India regulate successions, inheritances,

and adoption, the law of contracts, the duties of guardian and ward, the rights in property, the obligations of promises and covenants and the redresses for civil injuries should be equally binding on all classes. The principle of all despotic Governments is fear ; and the timid allegiance unquestioningly lent to the laws of their own rulers would unhesitatingly be transferred to those more liberal and enlightened principles of law and jurisprudence which are now being conferred on them. When Charles XII of Sweden met with an unexpected opposition from the Senate, that despotic monarch wrote word that he would send one of his boots to command them.\* The senseless despotism of that monarch, actuated by anger and a desire for vengeance, displayed as reckless a regard for principle or law as any of the former Mahomedan rulers of this country. When the savages of Louisiana desired the fruit of the stately and lofty palm, reckless of the consequences of their own act, they felled it to the roots. When Tippoo was doubtful of the truth of the reply made to him by one of his soldiers when accused of having unjustly taken and drunk some milk belonging to a villager, he struck the accused across his stomach ; and the courtiers flattered whilst the crowd applauded an act of justice, which, while it may have been summary, was brutal in the extreme. When the successors of Timur or the ministers of Aurungzebe found their revenues deficient, they plundered or laid waste those very lands on which they chiefly depended for replenishing their coffers. Under a despotism which has seldom been mitigated unless by the prejudices of religion or caste, there are few instances on record where resistance has been offered by the Hindoos to the laws imposed on them by their Mahomedan rulers.

And that it should have been so, is not to be wondered. A simple and uneducated community have no occasion for a number of laws. Laws and principles with their several springs and actions are little understood ; they are still less discussed. The one principle which permeates the spirit of despotism is fear. The one question which the ministers under a despotism have to solve, is how to reconcile a spirit of exaction with a political and civil administration, which endeavours to combine individual aggrandisement with personal safety.

The ancient jurisprudence of India might be said to have been based on purely rational grounds, on the first principles of the law of nature. History and tradition alike teach us, that in general principles the laws of most nations bear to each other a certain

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\* Puffendorf's Introduction to the History of Europe in the article of Sweden, ch. 10.

resemblance; and in law as well as in other sciences can be traced, as Bacon says, "the same foot-prints of nature treading in different paths." The peculiarities of customs or of castes may have led to different acceptations of Hindoo law, but as deduced from the writings of the first of Hindoo legislators, their code might be defined as the law of nature philosophically considered.

The principles of the law of nature are often transmitted in the forms of innate ideas: and whether in the code of Menu, or in the rude jurisprudence of Dracon, Solon, or Lycurgus, the simple teachings of reason or the precepts of nature may be accepted in a great number of instances as a very fair base for the superstructure of more complex laws. A knowledge of those laws in a rude society is acquired intuitively, and it is only when the wants of society increase, when the constitution and requirements of mankind grow larger, when by a development and exercise of the mind it is felt that those laws will not satisfy all the wants of civil society, that a necessity for more varied and complex laws arise. Those laws, however framed or designated, embody in all countries the first rudimentary principles of civil or municipal law. Speaking precisely, that body of law may be defined as the law of nature applied to the government of States. It is the law which the civil power of a nation or community may establish, by the right vested in that power by the community itself, for the observance of its subjects. This law, consisting of the legislative enactments of the country, founded on custom or on written law, becomes the first recognized code by which civil actions are governed.

Such simply, in India as elsewhere, was the nature of the change which led to the first construction of a rudimentary civil code, enunciated in the book of Menu.

In the Hindoo laws of alienation the student of jurisprudence may trace some of those broad principles, based on the law of nature or of reason, which more or less affect the laws of all semi-civilized communities. Amongst the Hindus as amongst other nations, the civil law will be found to have modified or restrained the natural community of property. Absolute property in things movable or immovable having been acquired, it became an acknowledged principle of their law that they had a right to dispose of that property after death.\* The principle of hereditary succession is universal. All real or personal ancestral property is inheritable; and the dictates of paternal partiality would point to the sons as entitled in the first instance to the property thus bequeathed. While

\* Sec. xii. Principles of Pun. Civil Law.

this principle is thus universal, the caprice or convenience of different sects, or religious bias or prejudice, may have in some special instances modified or altered the order of succession.

The law of nature permits but does not enjoin the making of a will; and among a people or community where the art of writing is scarcely known or practised only by a particular caste, written wills drawn up with the formulæ or technicalities of law would scarcely be expected. And in such cases the intentions of the testator and the acceptance of the legatee were all that was necessary to complete the effect of the legacy.

The Hindoo law of intestacy is based on the ties of kindred. Ancestral property is peaceably inherited by the sons, the associates of the father's toils and the future representatives of his house. The sons first inherit; and like the agents of the Roman law, the preference is always given to the lineal descendants of the male line,—the grandson and great grandson—as they are found to stand in the nearest degrees of civil kinship. It is only in default of these that the widow or widows would be allowed to inherit, or their daughters on their death.

While then under the old Hindoo law we find that a female was scarcely capable of transmitting any legal claims, and while, so long as the sons lived, the cognates were looked upon in the light of aliens, we at the same time find that that law had made no invidious distinctions, and had not established, to use the language of an able jurist, that proud insolence of the laws of primogeniture which, under our own institutions, has been the cause of so much grievance.† In default of sons, grandsons, and of widows, a father, a mother, or a brother may inherit.

Such are the elementary rules of succession with regard to personal property: but with regard to fixed, real, or immoveable property this law will not allow cognates, unless in very rare and exceptional cases, to inherit. The rights of a daughter are inferior to those of male collateral relations. That it should be so is not strange. Property in land in India is associated with certain duties to be performed. It is often derived by the express character of its owner as a member of a body or coparcenery, whose consent has necessarily been given and without whose consent that right cannot be alienated, unless to somebody who could perform an equal amount of duty, or who would have an equal amount of representative qualification.§ Lands, therefore, would require

\* See. Turnb. Hein. 1. Sec. 287.

† See the Law of Intestacy in the Indian Civil Code, Sec. xxii. as applicable to G. B. S.

‡ See the case argued by the Rev. Dr. Bellow in Blount Tempest.

§ Para. 7. Sec. xii. Prin. Punj. Law, Nagpore Edition.

special alienation by will before they could be acquired by a sole surviving daughter.\* Under the Hindoo law of succession, as under the law of succession of the Romans, we shall find that where the law of inheritance deviates from the principles of natural law, that deviation is owing to a desire cherished and fostered by a religious or family prejudice, the desire to keep the family and lineage intact. The *gens* was as sacred to the Hindoos as it was of old to the Romans; and the most sacred wish of a dying father was that a son might represent his line, and perform those last funeral and religious rites which could only be performed by a male descendant. The same principle impelled them to adopt. The acts of disherison by a parent were few; and the nice distinctions which our own laws draw between legitimacy and illegitimacy were not known, or but imperfectly acted on. In a brief article like this, it will not be necessary to trace the Hindoo law of inheritance and succession further.

Under the Indian code the law, as applicable to European subjects in India, will be found to be of a more impartial order. The ascending and descending and collateral series are clearly defined: and the law of succession and inheritance traced according to the principles of English law to each series according to proximity or distance of kindred.

Under the Indian code, the age of majority has been fixed at eighteen. No objection by either Hindoo or Mahomedan can be raised to that. Twenty-one is the age of majority by English law. As applied to India that law has been modified. An earlier age is better suited for warm climates. In Turkey the age is fifteen. In the enervating climate of the South and East, the passions disclose themselves earlier, the mind is sooner developed, the judgment more quickly matured than in our European climate; and in India especially where among the natives the marriages are earlier, the children sooner come of age.

In avoiding the distinction between wills and testaments, the Indian code aims at simplicity and uniformity. The nicer discrimination of English law would draw a distinction between the terms. Where lands or tenements are devised in writing with or without an executor, it is a will. It is a testament, where personal chattels are devised, and where an executor must be named. For it is a maxim of Common Law that where an executor is not named, the party is said to die intestate. As by Statute I Vict. C. 26 all landed property may now be devised or bequeathed by will, and all contingent interests, rights of

\* See Turnb. Hein: 1. Sec. 284.

entry and property, however acquired, so under the Indian code all property in India may be devised by will.

In giving expression to the meaning or wording of a will, the most reasonable construction is to be put on it, and effect ought to be given to the intention of the testator. In the construction of wills, fraud is to be guarded against. This in a country like India is specially necessary where chicanery is the rule and not the exception. As yet the custom of making wills is rare amongst the Hindoos. Not allowed by their laws to alienate their property by devise, it is only now owing to the example set them by us, as well as to the advance of society and the progress of ideas, that they have in some instances entered on the novel and artificial system of devising by will or testament. It is necessary then that while the law should so guard against the possibility of fraud in the construction of wills, it should also check anything like chicanery in the presumptive revocation of the same. Some formalities are required in the revoking, cancelling, obliterating or burning of a will. So nicely constructed and so artificially connected with the principles of Roman civil jurisprudence is our own law on this subject, that the doctrine of implied or presumptive revocation is based on a better foundation of reason than is naturally supposed; and the law will not allow a revocation to take place only on the presumed alteration of the testator's intention. That presumption in legal reasoning would not be considered material, unless it had appeared that an actual revocation had taken place.\* We give briefly a summary of general rules for the construction of wills.† The principle will be applicable to other than English wills.‡

I. That a will of real estate, by whomsoever made and in "whatever language written, is construed according to the law "of England in which the property is situate, but a will of "personalty is governed by the *lex domicilii*.

"II. That technical words are not necessary to give effect "to any species of disposition in a will.

"III. That the construction of a will is the same at law and "in equity, the jurisdiction of each being governed by the nature "of the subject; though the consequences may differ, as in the "instance of a contingent remainder, which is destructible in the "one case and not in the other.

\* Under the English Com. Law, the remedial law on this subject is that known as 29 Car. II. c. 3

† Jarman on Wills. vol. 2. p. 74.

‡ Norton's Law of Evidence, p. 315.

“ IV. That a will speaks for some purposes from the period of execution, and for others from the death of the testator ; but never operates until the latter period.

“ V. That the heir is not to be disinherited without an express devise, or necessary implication ; such implication importing not natural necessity, but so strong a probability that an intention to the contrary cannot be supposed.

“ VI. That merely negative words are not sufficient to exclude the title of the heir or next of kin. There must be an actual gift to some other definite object.

“ VII. That all the parts of a will are to be construed in relation to each other, and so as, if possible, to form one consistent whole ; but, where several parts are absolutely irreconcilable, the latter must prevail.

“ VIII. That extrinsic evidence is not admissible to alter, detract from, or add to, the terms of a will, (though it may be used to rebut a resulting trust attaching to a legal title created by it, or to remove a latent ambiguity ;)

“ IX. Nor to vary the meaning of words ; and, therefore, in order to attach a strained and extraordinary sense to a particular word, an instrument executed by the testator, in which the same word occurs in that sense, is not admissible ; but the

“ X. Courts will look at the circumstances under which the deviser makes his will—as the state of his property, of his family, and the like.

“ XI. That, in general, implication is admissible only in the absence of, and not to control, an express disposition.

“ XII. That an express and positive devise cannot be controlled by the reason assigned, or by subsequent ambiguous words, or by inference and argument from other parts of the will ; and accordingly such a devise is not affected by a subsequent inaccurate recital of, or reference to, its contents ; though recourse may be had to such reference to assist the construction in case of ambiguity or doubt.

“ XIII. That the inconvenience or absurdity of a devise is no ground for varying the construction, where the terms of it are unambiguous ; nor is the fact, that the testator did not foresee all the consequences of his disposition, a reason for varying it : but, where the intention is obscured by conflicting expressions, it is to be sought rather in a rational and consistent than an irrational and inconsistent purpose.

“ XIV. That the rules of construction cannot be strained to bring a devise within the rules of law ; but it seems that, where the will admits of two constructions, that is to be preferred which will render it valid ; and therefore the court, in one



" instance, adhered to the literal language of the testator, though  
 " it was highly probable that he had written a word by mistake,  
 " for one which would have rendered the devise void.

" XV. That favor or disfavor to the object ought not to influence the construction.

" XVI. That words, in general, are to be taken in their ordinary and grammatical sense, unless a clear intention to use them in another can be collected, and that other can be ascertained; and they are, in all cases, to receive a construction which will give to every expression some effect, rather than one that will render any of the expressions inoperative; and of two modes of construction, that is to be preferred which will prevent a total intestacy.

" XVII. That, where a testator uses technical words, he is presumed to employ them in their legal sense, unless the context clearly indicates the contrary.

" XVIII. That words, occurring more than once in a will, shall be presumed to be used always in the same sense, unless a contrary intention appear by the context, or unless the words be applied to a different subject. And, on the same principle, where a testator uses an additional word or phrase, he must be presumed to have an additional meaning.

" XIX. That words and limitations may be transposed, supplied, or rejected, where warranted by the immediate context, or the general scheme of the will; but not merely on a conjectural hypothesis of the testator's intention, however reasonable, in opposition to the plain and obvious sense of the language of the instrument."

We have thus reviewed briefly a few of the salient features of the law of testamentary alienation of property. To enter more minutely into details would scarcely be necessary in a review which is intended principally for lay readers. But as so much has been said of the possible future constitution of our courts of justice, we shall not apologize for touching on that subject here. We shall be pardoned if we view the question philosophically. Though connected with the Inns of Court, we have no undue leaning to the special pleading of Sir Erskine Perry, which would flood our law courts with barristers. Nor have we any special objection to his scheme. If the Government of India can secure barristers for India, very much good will be effected. This was Lord Westbury's private opinion, and we have no doubt that if Lord Westbury had still been Lord Chancellor, the sanction of his great official authority would have given effect to a scheme which he had planned, and which Sir Charles Wood would have been too glad to have carried out. That the

plan would have been a good one who can doubt? The judicial and legal professions are special ones and require special adaptation and fitness. So long as India was without a code, an intelligent bar, or superior appellate courts, the private opinion, the prejudice, or croquet of a Judge might have been accepted as a standard of equity. But it will be remembered that times are changed. The principles of jurisprudence can no longer be perverted or misinterpreted. The freedom of inquiry can no longer be checked. The practice of the bar must henceforth be interwoven with the authority of the bench. The publicity afforded by the press will no longer allow a veil of mystery to shroud the once sacred procedure of our law courts. From the disputes of the bar and the bench, in subtle or intricate cases, will be elicited those general principles, which will form future precedents for guidance. Axioms, maxims, and rules will no longer be accepted as correct, unless they have been proved to be so, and the greatest of criminals will at least have the option of enlisting on the side of crime the sophistry of the pleaders or the science of the civilians. Under circumstances such as these, the policy of the Government as well as its duty should be to make the best selection from the materials at hand.

Nor is every one fitted for the legal profession. In India where officers are Judges alike both of law and of fact, and where in the absence of both pleaders and jury, responsibility often of the gravest kind rests on them, something more than ordinary qualifications are necessary. To be distinguished by a sound knowledge of the principles of law, how very few aspire? Still fewer are those who have gained a clear and comprehensive acquaintance with legal history, who have studied universal or particular jurisprudence, who have learnt to trace analogies or to distinguish between contending precedents, to unravel intricate points of dispute, to address juries with precision, to separate the specious from the false, or, as in India is too often necessary, to elicit truth from a mass of conflicting evidence. The genius of Cicero, the fancy of Plato, the logic of Tribonian, the edicts of the praetors, and the authority of Justinian, have alike pointed to the necessity of a careful selection of those officers who are virtually masters of the lives and liberties of the subject, and who are the guardians of peace and equity; and while, writes Gibbon, "under the Roman jurisprudence, in the weakest and the most vicious reign the seat of justice was filled by the wisdom and integrity of Papinian and Ulpian, the purest materials of the code and pandects were inscribed with the names of Caracalla and his ministers."

Under our own jurisprudence we find the same lessons inculcated, whether conveyed in the quiet precepts of Sir Mathew Hale, or in the close reasoning and keen logic of Hobbes. Whatever may be the practical exemplifications, the theoretical conduct of the judicial functionary should display great and exemplary diligence, skill in the laws, resolution in the enforcement of orders, attention to rational complaints, impartiality in the preservation of the rights of the subjects over whom he presides, easiness of accessibility, and dignity of demeanour.

Yet it is a painful fact that with regard to the Indian bench such is not often the case. In the animated discussions in the House of Commons on the introduction of the Bill to improve the courts of judicature in India, nothing could have been stronger than the sense of the House recorded on the administration of the law in India. "Nothing," said one member, "has more largely tended to discredit the Indian Civil Service, both in this country and at home, than the prevailing ignorance among its members of the first principles of law." The manner in which offices were bestowed was animadverted on strongly by men who looked upon the question in an Indian and English point of view; and the varied Indian experience of Lord Ellenborough, as well as the strong sense of Danby Seymour and Lord Stanley, condemned the principle which had too often given to the Mofussil bench military officers without aptitude, and civilians who had been found to be deficient in their revenue capabilities.

That some of the remarks then made were just, is much to be regretted. But it will be remembered that a few years ago, the higher judicial appointments were thought to be sinecures, and as such, that they should have been ridiculed is not to be wondered at. Sarcasm and irony have during all ages been employed to ridicule the reckless disposal of sinecures. One writer, repeating or improving the jest made by Sydney Smith, stated that during the administration of Lord Ellenborough forty tons of judicial heterodoxy had been introduced into the bench of India by the appointment of military men to the judicial offices in India. No peculiar training was required. In England while Judges have always had a strict legal training, in India no special aptitude or legal discipline was deemed necessary; and officers too often passed from the magisterial benches to the highest appellate jurisdiction who were unacquainted with the principles of evidence, the law of contracts, or the rules of pleading. The office of a judgeship was considered to be a sinecure. The last resort for officials who had failed to be good revenue officers was the curule chair of a Mofussil Judge.

"A cure, a cure, a sinecure,  
"Of this you may be sure,  
"An easy shoe you step into,  
"A perfect sinecure."

Such might have been the motto inscribed over the doors of a Mofussil civil court thirty years ago, and such indeed was the opinion of the Government itself in those days. Lord Ellenborough remarked "that the Government often got itself out of a "difficulty or off the horns of a dilemma by raising an incapable "servant to the judicial bench." There, in the words of Southern in his inimitable character of Lord Dundreary, he was "done for." Like the log of wood in the hand of Horace's carpenter, he was quietly and silently shelved.

"Olim truncus erat scilicet, inutile lignum,  
"Quem faber incertus scannum faceretne priapum  
"Maluit esse deum."

As the necessity had not arisen, so the subject of judicial legislation for India had then not acquired the importance which it now deserves.

And yet in one point of view the subject was even then, next to our policy with our feudatories and the rest of Asia, of the most vital importance. In its higher sense legislation for India means something more than administering justice according to a set form of procedure. The manner of that administration will be found to modify the strength of the executive government. It will be found to affect the welfare indirectly of one hundred and fifty millions of people with different languages, different castes, different religions, and different customs. It will be found to affect, with the happiness of thousands, the civilisation of the future.

The question how civilised nations should legislate for uncivilised is one of the gravest of the present day. "I can "assure the House," said Sir Charles Wood in 1861, "that "I never felt more responsibility than in venturing to submit "to a proposal of so great and grave a character. I have "always thought that the gravest question in modern times "is the relation between civilised and less civilised nations, or "between civilised portions and less civilised portions of nations, "when they come in contact. The difficulty is seen in America, "in Africa, in New Zealand, but nowhere in the widely extended "dominions of her Majesty has it reached such a magnitude as in "India. And in this particular case the difficulty is aggravated "by the circumstance that the English, who form a portion of "those who are to be subjected to this legislation, are not a permanent body. They go there for a time. Officials, when their

" term of service has expired, and persons engaged in commercial  
 " or agricultural pursuits, when they have made a fortune, return to  
 " this country, and, though the English element in India is perma-  
 " nent as belonging to a nation, it is more transitory when we  
 " come to consider the individuals who compose it. Such are  
 " the circumstances under which we are to legislate, and I regret  
 " to say that the recent mutiny has aggravated these difficulties.  
 " The unlimited confidence which a few years ago was felt by  
 " the European population in the natives of India has given way  
 " to feelings of distrust. Formerly there was, at all events, no  
 " feeling of antagonism between the higher portion of official per-  
 " sons and the great mass of the population. They looked up to  
 " the Government as to a protector, and if any feeling of anta-  
 " gonism or jealousy existed, it existed only between them and  
 " those members of the service who were brought into antagonis-  
 " tic contact with them. When I heard some time ago that the  
 " feeling of antagonism was extending itself lower among the  
 " natives and higher among the officers I regretted it, because it  
 " must obviously tend to increase the dangers of our position.  
 " I do not wish to dwell on this matter, but it would be folly to  
 " shut our eyes to the increasing difficulties of our position in  
 " India, and it is an additional reason why we should make the  
 " earliest endeavour to put all our institutions on the soundest  
 " possible foundations. It is notoriously difficult for any Euro-  
 " pean to make himself intimately acquainted with either the  
 " feelings or opinions of the native population, and I was struck  
 " the other day by a passage in a letter from one of the oldest  
 " Indian servants, Sir Mark Cubbon, whose death we have had  
 " recently to regret. He had been in the service for 60 years; he  
 " had administered the affairs of Mysore for nearly 30 years; he  
 " had been living in the most intimate converse with the natives,  
 " possessing their love and confidence to an extent seldom obtained  
 " by an English officer, and yet he said 'that he was aston-  
 " ished that he had never been able to acquire a sufficient acquain-  
 " tance with the opinions and feelings of the natives with whom he  
 " was in daily communication.' Many of the greatest mistakes  
 " into which we have been led have arisen from the circumstance  
 " that we have been, not unnaturally, for arranging everything  
 " according to English ideas. In Bengal we converted the collec-  
 " tors of taxes into the permanent landowners of the country and  
 " left the ryots to their mercy. In Madras Sir Thomas Munro  
 " introduced the ryotwarry system, and a more impoverished  
 " population than that does not exist. When I was at the  
 " Board of Control, it was said that the system of the North-  
 " Western Provinces was perfect, and it was introduced into the

“ newly-acquired province of Oude. Subsequent to the rebellion, the Indian Government, profiting by the circumstance, reverted to the old system in Oude, and happily with the greatest success. The ryots and zemindars of Oude joined their chiefs in the rebellion, but recently at an interview between Lord Canning and the talookdars they expressed their gratification at the restoration of the former system, and the governor-general justly congratulated them on the fact that tranquillity prevailed in a district which had been so frequently the scene of violence and outrage, and that in the most newly acquired of Her Majesty’s Indian dominions confidence existed which was not surpassed in the oldest settlements. The House may not be aware of the extraordinary and inherent difficulties in devising a system applicable to the whole of India. It behoves us to be most careful, as a rash step may lead to most dangerous consequences. It is easy to go forward. It is difficult to go back, and I confess I am disposed to err on the side of caution and to profit by the warning of one of the ablest Indian officers, Mountstuart Elphinstone, who said, ‘ Legislation for India should be most gradual, slow, and well-considered.’ ”

How we have legislated for India may be shown best in a brief summary of the enactments which have been passed for the legislation of India. We must again refer to the dry records of parliamentary blue books. “ In 1773 the governor-general in council was empowered to make regulations for the government of India, and in 1793 those regulations were collected into a code by Lord Cornwallis. Similar regulations applied to Madras and Bombay, and in 1803 they were extended to the North-West Provinces. Some time after that, Delhi, which was nominally under the sovereignty of the Great Mogul, was administered by officers of the Government of India, and with such good effect, that in 1815, when Lord Hastings acquired certain provinces, he determined that they should be administered in the same way by commissioners appointed by the Government. The same system has been applied to the Punjab, Scinde, Pegu, and the various acquisitions made in India since that date. The laws and regulations under which they are administered are framed either by the governor-general in council or by the lieutenant-governors or commissioners, as the case may be, and approved by the governor-general. That constitutes the distinction between the regulation and the non-regulation provinces, the former being those subject to the old Regulations, and the latter those which are administered in the somewhat irregular manner which, as I have stated, commenced in 1815. There is much difference of opinion as to the legality of the

“ regulations adopted under the latter system, and Mr. Peacock has declared that they are illegal, unless passed by the Legislative Council. The Act of 1833, however, added to the council of the governor-general a member whose presence was necessary for the passing of all legislative measures, and put the whole of the then territory of India under that body, at the same time withdrawing from Madras and Bombay the power of making regulations. In that way the whole legislative power and authority of India were centralised in the governor-general and council. Since that time some provinces have been acquired which may be considered as non-regulation provinces: but it is not now worth while to go into details in regard to them. So matters stood in 1853, when great complaints emanated from other parts of India of the centralisation of power at Bengal. The practice was then introduced of placing in the governor-general's council members from different parts of India. The tenor of the evidence given before the committee of 1852-53 was to point out that the Executive Council alone, even with the assistance of the legislative members, was incompetent to perform increased duties which were created by the extension of the territory. Mr. M'Leod, a distinguished member of the civil service of India, and who had acted at Calcutta as one of the law commissioners, gave the following evidence before the committee :—

“ ‘ The governor-general with four members of council, however highly qualified those individuals may be, is not altogether a competent legislature for the great empire which we have in India. It seems to me very desirable that, in the legislative government of India, there should be one or more persons having local knowledge and experience of the minor presidencies; that is entirely wanting in the legislative government as at present constituted. It appears to me that this is one considerable and manifest defect. The governor-general and council have not sufficient leisure and previous knowledge to conduct, in addition to their executive and administrative functions, the whole duties of legislation for the Indian empire. It seems to me that it would be advisable to enlarge the Legislative Council and have representatives of the minor presidencies in it, without enlarging the Executive Council, or in any way altering its present constitution.’ ”

Such a council has now been established, and in addition also the High Courts in the Presidency towns, and in the North West.

While such machinery, remarks Sir Erskine Perry, is barely adequate to cope with the progress of European crime in India, the Mofussil and Zillah courts should be improved. The present

legal attainments are not sufficient. He would suggest the introduction of the barrister element. He would introduce barristers not only into the High but also into Mofussil Courts. But would not the scheme be costly? Would any men of eminence leave the bar for the heat of India and the miserably small pay of a barrister-judge? Would a single trained lawyer, would a single man likely to make himself eminent as Queen's Counsel on the Roll at Westminster come out? Would a single briefless barrister from the backwoods of the Queen's Bench, Exchequer or Common Pleas accept seven hundred or even a thousand a year on the condition of serving a life-long exile, amidst the swamps of an unhealthy station, where the entire society is possibly composed of a superintendent of police, an apothecary in charge of the station, and a district officer—his immediate superior probably a young Lieutenant fresh from his regiment, proud of his position as the great man of the district, and thoroughly ignoring anything in the shape of written law or professional legal knowledge. Appointed as assistant Judge, his legal knowledge, his acquaintance with the principles of English law, and the practice of English courts would be utterly useless and irrelevant, under an official, with whom on that point at least he could have no common points of official sympathy. He would too often be misunderstood. A triton among scientific men is often a minnow among unscientific men. A man of legal and professional training would be nothing, if placed in circumstances where legal and profession training alone would not be considered "the stamp exclusive and professional" for preferment in office or promotion on the bench. He would come to look upon the time which had been spent in studying for his profession as wasted. Of what use would his certificate be to him that he had passed the examination prescribed by the Council of Legal Education? In unlearning much of what he had learnt he would have to learn many things which he had not learnt. He would find that under the hereditary conservatism of ideas of the Government of India, as exemplified in Mofussil experience, the very worst military or civilian Zillah Judge in India would be regarded as a far more efficient man on a Mofussil bench than the most eminent Queen's Counsel on the Roll in Westminster. He would find that although an Act of Parliament existed which had thrown open all judicial appointments in India to any barrister or to any one displaying official aptitude, or to any native or uncovenanted officer, or advocate of the Scotch bar after seven years' residence,\* in most cases and

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\* Act 24 and 25 Victoria cap. 104.



especially in the regulation provinces, the Act was a dead letter, and that there were judges under this very Act in India entrusted with the highest magisterial and civil powers, who, after ten years service, were only paid a pound a day, or very nearly the amount earned by a mechanic at home or a carpenter.

"A long experience," says Sir William Jones, "makes us sad." It does so particularly with India. As we write we cannot help quoting from the reflections of a friend, made on the very subject on which we are now writing. We shall be pardoned if we use his own words. Referring to no particular act of the Government of India, and basing his reflections on the general tenor of present official patronage in India, he thus writes:—"We once again realize in actual practical every-day life the fictions of the past, enriched even as those fictions are by the imagery of the past or the dim veil of mythology. Strange as such fictions may seem, and facts are often stranger than fiction, they may afford some points of strong parallism with the occurrences of every day around us.

"The prolific brain of Reynoldas has interspersed the pages of the mysteries of the court of London with characters sensual and blood-thirsty *in excelsis*. We might establish a parallelism between the lives of men of the present generation and those of Reynold's heroes of the past. Ancient mythology, involving the very quintessence of fiction, may seem strange when compared with even the most ungoverned imaginative productions of the day, but it only furnishes proofs that humanity continues at this very moment to be unaltered from what it was cycles ago.

"Our readers who occasionally recur in thought to the class room, will remember the celebrated Pandora, the first mortal woman whom the gods concerted to render a paragon of beauty and mental accomplishments. Venus conferred on her beauty, and the rather difficult art of pleasing; the Graces the power of captivating; Apollo taught her vocal music; Mercury and Minerva enriched her with eloquence and splendid ornaments. Some of us may have wished to have been in the shoes of Pandora, and possibly in the simplicity characteristic of unsophisticated youth even hoped to have basked in the sunshine of the smiles and favour of the complacent gods. Maturer years may have long since dissipated this day-dream, this delusive phantom, sketched out in the regions of fancy; nevertheless we startle the sobriety of our readers by asserting that Pandoras abound around us, with this difference only, that they belong not to the fair but to the rough sex, and are vastly more fortunate than the mythical lady herself, prefigured by Hesiod.

“ We mean Indian officials :—these are the antitypes. A full-blown Lieutenant quits the scene of his labours redolent of pipe-clay and bad leather, and takes the professional chair of an assistant to the Chief Engineer. The gods smile upon him, and by and by he holds the administrative charge of a district that will hold any twenty counties of England. Anon he is metamorphosed into a coadjutor of the highest judicial functionary of the land, and finally sees the interior of a forum as an “impeccable lawgiver.”

Now, it has been allowed that in discussions of questions which affect the public, the public alone have a right to decide. So long as nothing was known of public justice as administered in the Mofussil, so long no opportunity could offer for public opinion to express itself. But public opinion often unerring, seldom wrong, has on this subject, whether through the press of India or of England, or whether in the discussions and debates of Parliament, expressed itself pretty clearly and loudly. An Act of Parliament has allowed the admission of pleaders, Scotch advocates, or English or Irish barristers to the Indian bar. To cope with men who have had a professional training, it will be necessary to have men on the bench who have also had a professional training.

There is no more powerful engine of education which the State can offer to a people than a well-conducted trial. Politics, theology, the American war, the merits of the Schleswig-Holstein dispute, these are subjects quite within the range of conversation, in which most people take a passing interest ; but the trial of Muller or Howard, and the appeal of Mrs. Yelverton, are subjects on which the public, from the highest Judges of the land to carmen and fat boys, have a right to pass an opinion, because in every trial a principle is involved. On no subject is the press more unfettered in its opinion. A public principle is involved, and the persons who come before the public are public characters acting in a public capacity. In the strongest language used by the press in its animadversions on the best of officials, the law will impute no libel.\* The powerful sarcasm of Lord Macaulay still holds up to derision the public conduct and private character of Judge Jeffries. The Chief Justice of the Irish bench is still remembered in his connection with the leading trial of Major Yelverton. On the other hand, a fair trial impartially conducted is an useful and valuable State-lesson. In the reserve and impartiality of a good Judge, in the strictness of aim and purpose, rendered compulsory by the rules of pleading

\* Sec. 499 Act XLV of 1860, Exception 4th.

and evidence, in the control of a jury which can be exercised by the court, in the constant check upon extravagant, wandering and bullying questions which vigilant advocates can employ on behalf of their clients, lies material for a great variety of the most useful instruction of all who hear and read the proceedings.

We are not here using the language of any special pleader. But if the public were to have the option of choosing between barrister or military Judges, the public would select probably the men with long gowns and wigs,—men with at least some special training and with university diplomas. We believe Sir Erskine Perry has made himself unpopular in India for this suggestion. But in supporting that suggestion, we do so only on grounds of public justice, and unbiassed by any prejudices or favourite theories. We do not mean to condemn the system at present in vogue. We look upon Sir Erskine Perry's measure as an alternative one. The present system has its bright as well as its dark side; its recommendations as well as its drawbacks; its advantages as well as its disadvantages. But what we maintain is a wider selection with a due advertence to professional knowledge.

We trust that the new judicial system which has now been inaugurated will tend to correct some of the defects of the past. Much in the way of improvement has already been effected. The increase of litigation in the courts shows that our judicial courts are fast becoming popular with all classes of the native community. A healthy infusion of the barrister element will tend, it is to be hoped, to make them popular with the European community as well. The rules of procedure which have already been introduced under Act VIII of 1859 have not been found to impede justice. While in the Central Provinces, the Punjab and Oude, the average duration of suits has been considerably diminished, there are few arrears on the files at the end of the year. Business habits,—the foundation of success,—have been inculcated and officers have been taught by a judicious control over the workings of subordinate courts, by a system of prompt check and proper distribution of work, to correct many defects which had necessarily been associated under the old system with the administration of civil justice. The elimination of pleas and issues are now better understood; and irrelevancy,—the chief defect of the old system,—does not, in so many instances, disfigure and confuse the simple procedure which is now aimed at in the disposal of cases. "If errors still exist, their removal," writes one of the most able and talented of our present Indian administrators "can only be accomplished by a course of self-training, of which few of our officers have a just apprehension, and to which fewer subject themselves. The task is, perhaps, more

“ difficult in provinces like these, where each officer performs  
“ judicial, administrative and executive functions in all branches  
“ of the administration, but it is for that very reason the more  
“ necessary to accomplish it. The routine must be methodized, or  
“ the work cannot be well done. Organization is at the root of  
“ success, and officers must remember that it rests with them-  
“ selves alone.”

ART. III.—1. *Mémoire pour le sieur Dupleix contre la Compagnie des Indes, avec les pièces justificatives.* Paris, 1759.

2. *An account of the War in India between the English and the French on the coast of Coromandel from the year 1750 to the year 1760.* By Richard Owen Cambridge, Esq. London, T. Jeffereys, 1761

3. *A History of the Military Transactions of the British Nation in Indostan from the year 1745.* By Robert Orme, Esq. F. A. S. 1803.

4. *Histoire de la conquête de l'Inde par l'Angleterre,* par le Baron Barchou de Penhoen. Paris, 1844.

5. *Inde,* par M. Dubois de Jancigny, Aide-de-camp du Roi d'Oude, et par M. Xavier Raymond, Attaché à l'Ambassade du Chine. Paris, Firmin Didot Frères, 1845.

6. *The History of British India.* By Mill and Wilson, in ten volumes. London, John Madden and Co., Leadenhall Street, 1851.

7. *The National Review*, Vol. XV. London, Chapman and Hall, 193 Piccadilly, 1862.

8. *Nouvelle Biographie Générale, depuis les temps les plus reculés jusqu'à nos jours.* Paris, Firmin Didot Frères, 1862.

THE peace between the powers of Europe which had been signed at Aix-la-Chapelle afforded, as we have already stated, an opportunity for the introduction into India of a system, afterwards carried to a very considerable extent, whereby the European powers, moved by promises of material advantage, lent out their European soldiers to the native rulers. It is but right to add, that in almost every case the temptation came from the natives, and it should also be remembered that the treaty of Aix-la-Chapelle had been concluded at a time when an unusual number of the troops of both nations had been thrown on the Indian soil, and when therefore the employment of, and provision for, these soldiers, caused no little anxiety to the governors of the settlements. Dupleix indeed, in a letter\* which he wrote to the

\* Dated 31 March 1749.

French Company at the time, expressly justified his recourse to such a line of conduct by the necessity under which he was to practise the strictest economy.

In this custom however it was the English who set the example. The account of the expulsion of Rajah Sahoojee from Tanjore has been given in a previous number.\* The duplicity of that monarch, his double overthrow by his own people, and his final expulsion in 1749 in favour of Pertab Singh will doubtless be recollected. It is necessary to refer to it here, because it was this same Sahoojee, twice expelled from his kingdom, who, by his promises and entreaties, induced the English to lend themselves to the principle of supporting expelled and wandering royalty,—a principle which nearly ruined them on this occasion, and which more than ninety years after, almost brought their empire to destruction in the snows of Afghanistan.† Eleven years had elapsed since Sahoojee had been expelled, and during that time Tanjore had enjoyed a quiet and a prosperity to which, under his rule, it had been a stranger, yet the desire of governing, so strongly planted in the Asiatic breast, would not allow the dethroned monarch to be tranquil. Although his experience of the attraction of a crown had been such as would have been sufficient to deter a man of ordinary sense from again striving for the dangerous prize, although on one occasion he had barely escaped from his enemies' hands, and on the second had been seized by them in the midst of his own guards, to the imminent danger of his life, he never ceased to sigh for his departed grandeur. To attain that state of sensual existence which had once been his, he was ready not only to stake his life, but to consent to the dismemberment of his country.

When, therefore, the news of the meeting of the European plenipotentiaries at Aix-la-Chapelle caused a suspension of arms in India, Sahoojee, who had been struck with the great superiority evinced in the field by the European over the Asiatic soldiers, resolved to endeavour to enlist on his behalf the aid of some of those redoubtable warriors. It was, however, he well

\* *Calcutta Review*, No. lxxiii, pp. 136-140.

† It is much to be regretted that the principle yet lives and flourishes, although it is carried out in a different manner. In the present day the spendthrift Rajahs and Nawabs, whose own vices have caused their expulsion from the thrones they had soiled, appeal, not to the Governor-General of British India, but to secret intriguers in England. By an expenditure of money, often as great as that which in former days they would have lavished on their armies, they obtain the aid of all who are venal. It is even whispered that resolutions not to rest till they have been restored have been pronounced in places where such language must be inconsistent with duty.

knew, useless for him to appeal to the French. Not only had he deceived them in 1738, but they had since lived upon good terms with his successor Pertab Singh. His only chance was with the English, and to them, therefore, he made his demand.

He was extremely liberal in his offers. The payment of all the expenses of the war, and the cession of Devicotta, a town on the mouth of the Coleroon, one hundred and twenty-two miles south of Madras, with the territory attaching to it, formed a tempting bait to a people possessing a surplus of soldiers, and just resting after a war which had severely tried their resources. At any rate it was eagerly grasped at, and in the beginning of April 1749, a force of 430 Europeans and 1,000 sepoys under the command of Captain Cope was despatched to re-establish ex-Rajah Sahoojee on his ancestral throne.

In a history relating mainly to the transactions of the French in India, it will be necessary to follow the movements of the English only in those instances in which an effect was thereby produced on the policy of their rivals. We do not propose therefore to enter into the details of this expedition against Tanjore. The results will be found chronicled hereafter. It is essential however that we should allude prominently to the fact of the enterprise, in order to make it clear that in the course which Dupleix adopted at this period, he but followed an example which the English had set him. The main difference between his proceedings and theirs was this:—that whereas in all his undertakings he had a settled purpose and design,—his smallest actions tending to one mighty end,—the proceedings of the English were the result of a haphazard and purposeless policy, their leaders not comprehending, even in the smallest degree, the result to which, if successful, they must inevitably tend.

In a previous number\* we have recorded the fate which befell Chunda Sahib in his endeavours to defend Trinchinopoly against the army of Ragoojee Bhonsla. Taken prisoner by that general, he had been sent off (1741) under a guard to Sattara, and there kept for seven years in confinement. Vainly did he exert his utmost endeavours during that time to effect his release. Although in that period the Moguls had re-occupied Trinchinopoly, although the Nawabship of the Carnatic had passed from the family of Dost Ali, to which he was related, to a stranger, he was kept rigorously a prisoner. Not indeed that the Mahrattas had any state object in view in thus keeping him from his native province; it was simply a question of ransom. Chunda Sahib was comparatively poor. Allied only by marriage

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\* *Calcutta Review*, No. lxxxiii, page 148.

with the house of Dost Ali, he had not exercised independent authority for a sufficiently long time to amass any very considerable wealth. The jewels which constituted the greater part of it were with his wife and family in Pondichery. The remainder had been taken when he lost Trinchinopoly. For a long time, however, the Mahrattas insisted upon the payment of a kingly ransom as an essential condition of his release, and all this time Chunda Sahib, unable to pay it, saw opportunities vanish, kingdoms pass into other hands, and he felt too that every year added to that forgetfulness of himself, which is the unvarying consequence of the absence of a leader from the scene of action.

At last, however, fortune seemed to unbend. In the month of April 1748 Mahomed Shah, emperor of Delhi, died. His eldest son, Ahmed Shah, succeeded him, but the first months of his accession were too much engaged in preparations to maintain himself against his namesake, the Abdalli, and other enemies, to allow him to turn his attention to the events that were occurring in the remote Dekkan. It was however just at this moment that the attention of the feudal lord of the Empire was particularly required in those parts. A few months after the death of Mahomed Shah, (June 1748), Nizam-ool-Moolk, viceroy of the Dekkan, followed him to the grave at the ripe age of an hundred and four years. The succession had become, through the weakness of the central authority, by custom rather than by consent, hereditary in the family. Now Nizam-ool-Moolk had left five sons. The eldest, Ghazee-ooddeen Khan, was however high in the imperial service, and preferred pushing his fortunes at Delhi to striking for an inheritance which he felt could only be gained by the sword. The second son, Nazir Jung, had been engaged in constant rebellion against his father, but he was with him, having been recently released from captivity, when he died. The other three sons were men of little mark, who had been content to live a life of ease and pleasure at the court of Aurungabad. Besides these sons, there was a grandson, Mozuffer Jung, the son of a daughter, who had been always indicated by his grandfather as his successor. The consent of Mahomed Shah to this arrangement had been previously obtained, and on the death of Nizam-ool-Moolk, a firman was issued by the court of Delhi nominating Mozuffer Jung viceroy in his place.

When that event occurred however, Mozuffer Jung, the legitimate successor, was at his government at Bijapore, whilst the lately rebellious son, Nazir Jung, was on the spot. This latter at once acted in accordance with the customs which had



obtained from time immemorial under the Mahomedan sway in Hindostan. He seized his father's treasures, brought over the leading men and the army, and proclaimed himself viceroy of the Dekkan. The claims of Mozuffer Jung he derided, and set him at open defiance.

Mozuffer Jung however was not inclined to give up his pretensions without a struggle, though for the moment he did not possess the means to support them. In this crisis he bethought him of the Mahrattas, the hereditary enemies of Mahomedan authority, and he decided to go in person to Sattara to demand their assistance. At Sattara he met Chunda Sahib, of whose great reputation he was fully cognizant. The two men felt at once that they could be mutually serviceable to one another. They therefore soon came to an understanding. They agreed to endeavour to obtain material aid from the Mahrattas, insisting also on the unconditional release of Chunda Sahib.

A negotiation was accordingly opened. But whilst it was in progress, and seemed to promise well, Chunda Sahib, who had little real wish to conquer the Carnatic with the aid of his old enemies, communicated full details of their plans to Dupleix, with whom he had maintained, through his wife, a constant correspondence. Threatened at the time by the English, Dupleix had no desire to add to the existing complications by bringing on the province a Mahratta invasion. The prospect however of placing on the viceregal throne of the Dekkan one who would thus be a *protégé* of his own, and over the province of the Carnatic a man so devoted to French interests as he knew Chunda Sahib to be, was too alluring to be resisted. Pondering in his mind how this could be effected, the thought struck him that it needed only a daring and decided policy of his own to bring about such a result. He at once embraced the project with all the ardour of his impassioned nature; wrote to Chunda Sahib to negotiate only for his release, and not for troops; engaged to the court of Poona to guarantee the ransom that might be agreed upon; and promised to both Mozuffur Jung and Chunda Sahib all the influence and power which he, as ruler of French India, was capable of exerting. His despatch had the desired effect. On receiving a guarantee from Dupleix for the payment of 700,000 rupees, Chunda Sahib was released and furnished with a body-guard of 3,000 men to escort him to his own country.

One of the first acts of Chunda Sahib after his release was to enter into an engagement with Dupleix, whereby he took upon himself the payment of about 2,000 natives, drilled in the European fashion, belonging to the Pondichery garrison.

In consideration likewise of being assisted by 400 Europeans, he agreed to make to the French the cession of a small tract of land in the immediate neighbourhood of Pondichery. Whilst arrangements were in progress for these troops to join him, he had succeeded in making his way, after some changes of fortune, to the frontiers of the Carnatic, and in augmenting his force to 6,000 men. Here he was joined by Mozuffer Jung at the head of 30,000. Chunda Sahib, who was by far the abler character of the two, resolved, so soon as he should be joined by his French auxiliaries, to march upon Arcot. A victory here would place the resources of the Carnatic at his disposal, and bring him into close association with the French. He could then make it, with every prospect of success, the basis from which to operate against Nazir Jung.

Towards the end of July the French force already indicated, under the command of M. d'Auteuil and accompanied by the son of Chunda Sahib, joined the latter at the Damalchery Pass, which he had taken care to secure. Here they received information that Anwarooddeen and his two sons, at the head of 20,000 picked troops, including among them 60 European adventurers, had taken post at Amboor, about thirty miles to the south, prepared to give them battle. Thither accordingly they marched. The position taken up at Amboor was extremely strong, being defended on one side by a mountain surmounted by a castle, and on the other by a large lake. The ground between these, constituting naturally a very strong pass into the Carnatic, had been further fortified by entrenchments. These were defended by guns served by the Europeans to whom we have alluded. Behind these was the main army of the Nawab.

It was on the morning of the 3rd August that the combined army of Chunda Sahib and M. d'Auteuil came in sight of this position. It was at once resolved to storm it, and d'Auteuil offered to lead the attack with his French. Such an offer was gladly accepted, and at the head of his gallant countrymen, d'Auteuil advanced boldly to the attack. The Nawab's guns however were so well served by the Europeans in his service, that the assailants fell back with some loss. Indignant at this, d'Auteuil rallied them and led them himself, notwithstanding a heavy fire, up to the foot of the entrenchment. The breast-work was even mounted by some of them, but in the crisis of the attack, M. d'Auteuil was wounded in the thigh, and in the confusion that followed, his men lost order and retreated. The command then devolved upon M. de Bussy, and the troops, encouraged by him and the other officers, eagerly called to be led on for the third time. This determination on their part disheartened

the defenders, many of whom had already fallen. Even had they stood more firm however, they could scarcely have resisted the impetuosity of the charge. Led on by the gallant Bussy, the French reserved their fire till close to the entrenchments; then delivering a volley, they dashed over the breastwork, and the day was their own. Having lost this defence, the native portion of Anwaroodeen's army made but little resistance. Followed by the troops of Chunda Sahib and by that leader in person, the French pushed on. It was in vain that Anwaroodeen, himself 107 years old, made the most gallant efforts to restore the fight. In the very act of singling out Chunda Sahib for a hand to hand encounter, he was shot through the heart by an African soldier. A general disorder followed; the defeat became a rout; Maphuz Khan surrendered himself a prisoner, and the second son, Mahomed Ali, saved himself by an early flight. The camp, the baggage, sixty elephants, many horses, and all the artillery fell into the hands of the victors. But their greatest prize was the province of the Carnatic, secured to them by this victory. Of this they obtained an immediate game in Arcot, the capital, which they occupied the next day. In this battle the French lost 12 men killed and 63 wounded. About 300 of their sepoys were killed and wounded.\*

The earliest act of Mozuffer Jung on his arrival at Arcot was to proclaim himself Subadar or Viceroy of the Dekkan, and to nominate Chunda Sahib Nawab of the Carnatic.† Having secured the surrounding country by means of flying parties, the two governors proceeded to Pondichery, Mozuffur Jung to acknowledge the aid he had received, Chunda Sahib to pour out his thanks for the protection which for so many years, and under such trying circumstances, the French governor had afforded to his family. They were received with the greatest pomp and ceremony. No one knew better than Dupleix the effect of display upon the oriental mind. He took care, however, that accompanying the glitter of outward show there should be a simultaneous exhibition of that material power which, more than any other, is in Asia capable of ensuring respect. The defences which had defied the English were dressed out for the occasion; the European troops, whose superiority had been proved at St. Thomé and Amboor were conspicuously drawn up, the ships in the harbour displayed their brightest flags. No artifice was omitted in fact to impress

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\* Chunda Sahib presented the French troops after the battle with 75,000 rupees, and M. d'Auteuil with land worth 4,000 rupees per annum.

† One of the first to congratulate Chunda Sahib on his elevation and to acknowledge him as Nawab, was the Governor of Madras, Mr. Floyer.—*Mémoire pour Dupleix*, page 46.

upon the minds of his guests, that the pomp and ceremony of their reception were but the natural consequence of a wealth and influence which rested upon a power that nothing in the south of India could resist. The effect was all that he could wish. Mozuffer Jung was captivated by the display; the gratitude of Chunda Sahib was unbounded. In the first moments of his delight he conferred upon Dupleix the sovereignty of eighty-one villages, adjoining the ground of which Pondichery was the representative capital. Mozuffer Jung stayed eight days at Pondichery. His army, amounting to from 45,000 to 50,000 men, remained encamped meanwhile within twenty miles of the city.\*

But amid all the festivities that followed the arrival of these two Nawabs, Dupleix did not lose sight of the main object which had brought them into the field. We have already stated that though Muzuffer Jung held the higher rank, Chunda Sahib was of the two by far the abler man. When then Muzuffer Jung, at the expiration of eight days, rejoined his camp, twenty miles from Pondichery, Dupleix retained Chunda Sahib to settle the plan of the campaign. It was true that the possession of the Carnatic seemed to have been decided by the battle of Amboor. The old Nawab had been killed, his eldest son taken prisoner, and the younger, Mahomed Ali, had sought refuge in flight. Yet so long as there remained a pretender to the dignity, Chunda Sahib could not consider himself firm in his seat. It is beyond question that he had, both by hereditary descent and by imperial nomination, a greater right to the office than any of the family of Anwarooden. He was, in the first place, the representative of the family of Dost Ali, and, in the second, he had been nominated by Mozuffer Jung, whose title to succeed Nizam-ool-Moolk as Viceroy of the Dekkan had been confirmed by a firman from the court of Delhi.† But in the distracted state of the Mogul empire, no right could be considered secure that was not based upon a possession that could be maintained. Nor, at the same time, could any possession be regarded as perfectly tenable, to which any pretender was in the field waiting for his opportunity. Dupleix, well aware of this, did not cease to press upon Chunda Sahib the absolute necessity of ensuring the submission of Mahomed Ali, before he resigned himself to the more peaceful cares of his govern-

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\* *Extrait de la lettre de M. Dupleix à la Compagnie; le 28 Juillet, 1749. Copie d'un extrait du registre des délibérations du Conseil supérieur de Pondichery 13 Juillet, 1749. Mémoire pour Dupleix, Orme, Cambridge, Raymond, &c., &c., &c.*

† Dupleix, page 42. Seer Mutakhareen.

ment. Rapidity in his movements was, he pointed out, the more requisite, as Mahomed Ali had taken refuge in Trinchinopoly, the fortifications of which had been greatly strengthened since Chunda Sahib had been compelled to surrender it to Ragoojee Bhonsla. Added to this, it was known that Nazir Jung, the pretender to the viceroyship of the Dekkan, was engaged in levying an army wherewith to crush his nephew and rival. It was, therefore, more especially necessary to clear the Carnatic of all foes, before this greater enemy should be ready to march upon it. The exhortations of Dupleix to Chunda Sahib to march without any delay upon Trinchinopoly were therefore earnest and repeated.

One circumstance, however, served to hinder the native chieftains from moving. The battle of Amboor had been fought on the 3rd August; Madras, in pursuance of the articles of the treaty of Aix-la-Chapelle, had been made over to the English at the end of the same month, but still Admiral Boscawen remained on the coast. More than that, he had taken advantage of the disordered state of affairs to possess himself of the little settlement of St. Thomé, upon which he had hoisted the English flag. It was known too that he was himself strongly impressed with the necessity of remaining to support English interests, and that he had declared he would remain, if he were publicly requested to do so.\* It appeared then to Chunda Sahib, that for him to move on Trinchinopoly, whilst Admiral Boscawen was on the coast, would act as a final inducement to that officer to remain, and would impel the English to cast in their lot, whilst their forces were yet considerable, with his rival, Mahomed Ali. He, therefore, hesitated as to his action, preferring to wait at all events in the hope that the October gales might compel the departure of so dangerous an enemy.

Whilst he and his allies are thus watching their opportunity, it may be convenient for us to turn to the movements of the English, and to relate as briefly as may be the result of their expedition against Tanjore.

This expedition had been undertaken, as we have already stated, with the avowed object of re-seating upon the throne of that kingdom the twice expelled Raja Sahoojee,—with the real purpose of gaining for themselves the possession of Devicotta. Consisting of 480 Europeans and 1,000 sepoys, under the command of Captain Cope, this force had left Fort St. David in the early part of April, and on the 24th, arrived on the bank of the river Vellaur, near Portonovo. On the following morning

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\* Orme.

a terrific storm ensued, which caused great damage to the land forces, and greater to the fleet. Of the former, many of the carriage, cattle, and a large proportion of the military stores were destroyed; of the latter, the admiral's flagship, the *Namur*, of 74 guns, the *Pembroke*, of 60 guns, and the *Apollo*, hospital ship, with the greater part of their crews were totally lost.\* It thus became necessary to suspend for a time the progress of the undertaking.

When, however, after having made good his losses Captain Cope renewed his march and arrived on the borders of the Tanjore territory, he found the actual state of things to differ very much from the representations that had been made him. Not only was there no disposition evinced by the Tanjoreans to strike a blow for Sahoojee, but their army was found posted on the southern bank of the Coleroon, ready apparently to oppose the passage of the English. Their real object, however, was to entice Captain Cope into the difficult country to the south, where his destruction would have been certain. But the direction taken by the English after the passage of the river, shewed very plainly the real object they had in view in espousing the cause of Sahoojee. Their army marched in the direction, not of Tanjore, but of Devicotta, where they expected to find support from the fleet. But on their arrival that same evening within a mile of Devicotta not a ship was to be seen. Having with them no supplies, and finding the place too strong to be escaladed, they resolved, after cannonading it fruitlessly during the night, to retreat. This they effected without serious molestation, and on the second day reached Fort St. David. Had the real object of the English been that which they professed,—the restoration of the ex-Raja Sahoojee,—they had seen enough to be convinced that to effect this they must be prepared to employ all the resources of their Presidency in a war with a native power. They no longer however even pretended to have this in view. But Sahoojee had promised them Devicotta,† and the advantages presented by that place were too great to be lightly given up. Whether they received it from Sahoojee or Pertab Singh was to them immaterial. They were resolved to possess it at any price, and with this avowed object, throwing over Sahoojee, they despatched

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\* Journal of an Officer.

† The river Coleroon, which runs into the sea near Devicotta, was believed to be capable of receiving ships of the largest tonnage. The only difficulty was presented by the sands, but it was thought that these, with a little labour and expense, might be removed.—*Orme*.

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This expedition had been undertaken, as we have already stated, with the avowed object of re-seating upon the throne of that kingdom the twice expelled Raja Sahoojee,—with the real purpose of gaining for themselves the possession of Devicotta. Consisting of 430 Europeans and 1,000 sepoys, under the command of Captain Cope, this force had left Fort St. David in the early part of April, and on the 24th, arrived on the bank of the river Vellaur, near Portonovo. On the following morning

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by sea a second expedition, consisting of 800 Europeans and 1,500 sepoys under the command of Major Lawrence.

It is unnecessary to enter into the details of this expedition. It will suffice to state that it was successful. Devicotta after a gallant resistance was stormed, and Pertab Sing, to avert further hostilities, and anxious now to secure the alliance of the English against Chunda Sahib, whom he regarded as the most dangerous enemy of the Tanjore kingdom, agreed to cede that fortress to that nation, together with so much of the surrounding territory as should produce an annual revenue of Rs. 36,000. The English, on their part, agreed to abandon the cause of Sahoojee, and even to keep him under *surveillance* at Madras, on condition of his receiving a life pension of Rs. 4,000. Such was the result to him of his alliance with an European power.

The English were occupied with their new conquest, when they learned the success of Chunda Sahib at Amboor. They hastened to acknowledge him at Arcot. Nevertheless, noticing his subsequent visit to Pondichery, his protracted stay there, and the intimacy which he vaunted with Dupleix, they were not deaf to the solicitations,—poor as they considered his chances of success,—of Mahomed Ali. They waited however the further proceedings of Chunda Sahib, before committing themselves to any definite action. When moreover they saw that that chieftain remained idle at Pondichery, making no movement against his rival, they hesitated still more as to the course they should follow. Admiral Boscawen, on his part, was eager to support Mahomed Ali, and even offered to stay on the coast, if he were officially requested to do so. But Mr. Floyer shrank from a line of policy which seemed to commit the Presidency to the support of a pretender *in extremis*. He therefore suffered the admiral to depart on the 1st November, taking from him only 300 men as an addition to his garrison.

The departure of Admiral Boscawen constituted the opportunity for which Chunda Sahib had been so long watching. All his preparations had been made. Dupleix, with that rare disinterestedness and care for the resources of the colony which so eminently characterised him, had advanced to this chief 100,000 rupees from his own funds, and had induced other individuals to advance 200,000 rupees in addition.\* He also supplied him with 800 European troops, 300 Africans, and a train of artillery, from the support of which Pondichery was thus freed, whilst the troops remained at the disposal of Dupleix. They

\* These advances were secured on lands which were temporarily made over to the French.

were now with Chunda Sahib under the immediate command of M. Duquesne. On the very day after the departure of the English fleet, this united army marched upon Trinchinopoly. There, as Dupleix pointed out to the leaders, they would find the end of all opposition. The only man who had the shadow of claim to oppose to the pretensions of Chunda Sahib was in that fortress. To take it therefore was to destroy the last stronghold of the enemy, and with it the only chieftain capable of offering any opposition.

It is indeed clear to us now, as it was clear to Dupleix at the time, that upon the capture of this place depended the permanent preponderance of French influence in Southern India. Had that been accomplished, there could have been no possible rival to Chunda Sahib, the English would have had no excuse to refuse to acknowledge his supremacy. In fact that supremacy would have been so firmly rooted, so strongly established, that they would not have dared to dispute it; they would, in a word, have been forced to recognize the superiority on the Coromandel coast of a governor, who, by inclination, gratitude, interest, was bound irrevocably to the French.

Such indeed was the policy of Duplex. To carry it out he had brought every resource to bear on his native allies. He had given them money, men, guns, and officers, and they, on their part, had left Pondichery, under an engagement to pursue the course of action he had pressed upon them, as alike best suited to his interests and theirs, *viz.* to march direct upon Trinchinopoly.

Yet here was another instance afforded of the uselessness even of great genius, when the tools which genius is compelled to employ are weak and vacillating. Surely Dupleix had a right to believe that his native allies, having been equipped and supplied by him, and having started on an expedition they had promised to carry out, would at least march to their destination. Once there, he relied on his own commander, Duquesne, to do the rest. His mortification then can be imagined when he learned that after crossing the Coleroon, they had diverged from the road to Trinchinopoly and had taken that to Tanjore.

The fact was that during their stay at Pondichery, Chunda Sahib and Mozuffer Jung had exhausted on their own pleasures the money Dupleix had intended for the expenses of the army, and they found themselves, after crossing the Coleroon, in an enemy's country with an empty treasure chest. In this emergency Chunda Sahib bethought him of the king of Tanjore,—a prince whose riches were proverbial, and whose arrears of tribute to the Mogul, Mozuffur Jung, as Subadar of the Dekkan,

considered himself entitled to receive. In the hope of compelling this monarch to pay such a sum as would place them at ease regarding their expenditure, and in the belief that with the aid of their French allies the task would be easy of execution and short in its time of duration, they, without even consulting Dupleix, turned aside from the road leading to Trinchinopoly, and took that to Tanjore.

This city, situated in the delta of the Coleroon and the Cavery, was defended by two forts, the greater and the lesser. The former was surrounded by a high wall and a ditch, but the fortifications were too inconsiderable to resist the attack of a vigorous enemy. The lesser fort, a mile in circumference, was far stronger, being surrounded by a lofty stone wall, a ditch excavated from the solid rock, and a glacis. Within this was a pagoda surpassing in magnificence all the buildings of Southern India, and believed to contain countless riches. The allied army arrived before this place on the 7th November, and at once summoned it to surrender. The king, Pertab Singh, with a view to gain time, expressed at once his willingness to negotiate, whilst at the same time he sent pressing messages to the English and to Nazir Jung, demanding assistance. The English, who had already despatched 120 men to aid Mahomed Ali at Trinchinopoly, ordered twenty of these to proceed to Tanjore. How Nazir Jung responded to the summons we shall see further on. On receiving the reply of the Tanjorean, Duquesne, the commandant of the French contingent, acting upon the instructions received from Dupleix, urged upon Chunda Sahib not to waste his time in vain negotiations, but to compel compliance with his requisitions by force. This was undoubtedly the direct and proper course to pursue. But Chunda Sahib, who wanted only the money, and who believed the Rajah was in earnest about paying it, earnestly requested Duquesne to abstain from all appearance of hostilities so long as negotiations should be going on. In Pertab Singh, however, he met a man more wily and cunning than himself. For six weeks he suffered himself to be duped by protestations and promises, fruitless though they were of any result. In vain did Dupleix press upon him the superior advantage of Trinchinopoly; to no purpose did he point out to him that he was giving time to Mahomed Ali to strengthen his position, and to Nazir Jung to march upon his communications. Chunda Sahib was infatuated with his negotiation. To such an extent did he carry this feeling, that Dupleix, seeing the gathering storm, and apprehending not only the failure of his hopes, but danger to French interests, sent positive orders to Duquesne to break off the negotiation by an attack upon

Tanjore. Duquesne obeyed; and his vigorous measures had a decisive effect. On the 26th December, he captured three redoubts about 600 yards from the walls; three days later, after some fruitless negotiations, he assaulted and carried one of the gates of the town. This so intimidated the Rajah, that he at once gave in, and on the 31st signed a treaty whereby, amongst other stipulations, he agreed to pay to Mozuffer Jung and Chunda Sahib seven millions of rupees; to remit from the French East India Company the annual ground rent of seven thousand rupees, which it paid him; to add to the French possessions at Karical territory comprising eighty-one villages; and to pay down to the French troops 200,000 rupees. But, meanwhile, Nazir Jung had succeeded in collecting an enormous army, and was on his march to crush his nephew and rival. Intelligence of this had already been conveyed by the English to the king of Tanjore, and this monarch had recourse to all the arts of which he was master to lengthen out the term of payment. By sending out, in satisfaction of the sum he had agreed to pay, sometimes plate, sometimes obsolete coin, sometimes jewels and precious stones, he detained Chunda Sahib for some weeks longer under his walls, and it was not until a pressing message from Dupleix informed him that Nazir Jung had entered the Carnatic, that this chieftain renounced the hope of obtaining, even by those instalments, the promised ransom. Even then Dupleix recommended vigorous measures. He urged upon him to seize Tanjore at once, both as a means of punishing the faithless Rajah, and of providing himself with a place of refuge. Chunda Sahib was willing enough to act up to this advice, but his troops refused to follow him. They too had heard the rumours of the approach of the vast army under Nazir Jung, and, panic-stricken at the report of its numbers, they broke up without orders, and fell back rapidly on Pondichery.

Thus, by the weakness of the instruments he was compelled to use, were the great plans of Dupleix temporarily shattered. Nay more, the very men who had caused their defeat, and who by their want of energy had plunged themselves as well as him into misfortune, now came to beg him to extricate them from their difficulties. He made the attempt, not indeed with any great confidence in his allies,—for the past three months had shewn him their weakness,—but yet with a steadfastness, an energy, an adaptation of means to the end, such as even at this distant day must challenge and command our admiration. He did not, as we shall see, succeed in the outset, but his patience, his perseverance, his energy, could not be long working without producing some advantageous result. Before however noticing

the manner in which he acted, we propose to take a comprehensive glance at the situation.

The army of Mozuffer Jung and Chunda Sahib 40,000 strong, panic-stricken from the rumours of the vast force of Nazir Jung, and mutinous from want of pay, was under the walls of Pondichery. With it had come the French detachment of 800 men, now commanded by M. Goupil, its former leader, Duquesne, having died of fever at Tanjore. On the other side, the enormous army of Nazir Jung, consisting of 300,000 men, of whom one-half were cavalry, together with 800 pieces of cannon and 1,300 elephants, was marching on them from Arcot. On their way they were joined by Moorari Rao at the head of 10,000 Mahratta horse, fresh from a skirmish with the allied army at Chillumbrun; whilst on reaching Valdaur, fifteen miles from Pondichery, Mahomed Ali, the pseudo-Nawab of the Carnatic, brought six thousand horse into their camp, and, what was of far greater consequence, they were strengthened a few days later,—the 2nd April,—by the junction of 600 Europeans under Major Lawrence. The English, in fact, had resolved to take advantage of the check received by the French *protégés* at Tanjore, by using all their influence to support the rivals and opponents of those chieftains.

Against such a force what was Dupleix to do? There was but one course, which even to conceive, it was necessary that a man should have been born with a daring and subtle intellect. Successfully to encounter this force it was absolutely necessary that the opposing army, however disproportionate in numbers and deficient in material, should oppose to it a bold and resolute front. Yet how to infuse the necessary courage into the panic-stricken and mutinous soldiers of his two allies? This was a problem which seemed hard to solve. Dupleix nevertheless attempted it. First of all, he stopped the mutinous spirit. This he effected by advancing from his own funds a sufficient sum to pay up their arrears. Their courage he endeavoured to re-animate by showing that he was not afraid to support them by the entire available garrison of Pondichery. Goupil who had succeeded to Duquesne, having himself fallen ill, Dupleix placed at the head of the contingent M. d'Auteuil, who had recovered from the wounds he had received at Amboor, and increased its strength to 2,000 men. The force, encouraged and strengthened by these means, moved in a north-westerly direction from Pondichery, and took up at the end of March a strong position opposite the enemy's camp at Valdaur. At the same time Dupleix did not neglect those means which he had often used so successfully, of endeavouring by intrigues

and secret communications to work upon the mind of Nazir Jung in favour of French interests. He was on the point of succeeding, when unexpected events, impossible to have been guarded against, neutralised the effect of these negotiations, and brought down the fabric of his vast plans.

It happened, unfortunately for Dupleix, that a very bad feeling prevailed at this moment amongst the officers of his army. The twenty thousand rupees received at Tanjore had been divided amongst those troops only, who had participated in that service. Many of these had received leave of absence, and those who took their place, as well as those who joined with the fresh troops, grumbled most unreasonably at having been assigned a duty which would expose them to great risks without the chance of prize-money. For the moment Dupleix was powerless to punish the malcontents, so few were the officers at his disposal. He trusted, however, to their military honour to behave as soldiers and Frenchmen in the presence of an enemy. But in this hope he was disappointed. On the very evening of the day in which the two armies had for the first time exchanged a cannonade from their respective positions,—the 3rd April,—thirteen officers of the French army went in a body to M. d'Auteuil, resigned their commissions, and refused to serve. This was not the least of the evil. Not content with refusing to fight themselves, these officers had done their best to induce the soldiers they commanded to follow their example. By a baseness happily unparalleled they had succeeded in sowing the seeds of disaffection and distrust. Even the sepoys in the pay of France could not see unmoved the sudden withdrawal of those they had been accustomed to regard as their leaders. Doubt and hesitation pervaded their ranks, and d'Auteuil suddenly found, on the eve of a battle which, if it were unfavourable to him, would be ruinous to French interests, that he commanded an army which was utterly demoralised, which could not be relied upon to face the enemy.

Few men have ever found themselves in circumstances more difficult, more requiring quick and prompt decision. To stay where he was, to meet with his demoralised force, and the native levies of his two allies, the vastly superior numbers of the Nizâm, the Mahrattas, and the English, was to court destruction for all. His men would not fight, and their retreat would have drawn with it the disorderly flight of the followers of Mozuffer Jung and Chunda Sahib. It seemed too more than probable that such a rout would encourage the enemy to make another attempt upon Pondichery. On the other hand, the withdrawal of his troops during the night would save the

French army for future operations, and would assure the safety of the French capital. But before taking any steps in the matter, d'Auteuil made one great effort to induce his army to sustain the part which best befitted them as soldiers. But his entreaties, his remonstrances, even his threats, were all in vain. The poison of mistrust had entered their ranks; the mutinous officers had persuaded them that they were being deliberately sacrificed to superior numbers, and so firmly had they imbibed this idea that all the reasoning of their commander was ineffective. They would not fight. Convinced now that his only course was to retreat, d'Auteuil sought an interview with his two allies, and laid before them the circumstances of the case. He shewed them that he was forced to retreat, and he put it to them whether they would prefer to follow his fortunes, or to endeavour to make their own terms with the enemy. Then came out the difference in the character of the two men. Chunda Sahib, whose long acquaintance and constant intercourse with the French had given him a high appreciation of their character and a confidence in their fortunes, declared unhesitatingly that he would cast in his lot with his European allies. Mozuffer Jung, naturally weaker, possessing little self-reliance, and unable to believe that d'Auteuil had not some other motive for his conduct, determined, on the other hand, to trust to the tender mercies of his uncle.

In accordance with these resolutions the French contingent commenced its retreat at midnight, followed by Chunda Sahib, who, with his cavalry, insisted upon taking the post of honour in the rear. So great however was the disorder in the French camp, so complete their demoralisation, that no one communicated the intelligence of the intended movement to the gunners, who, to the number of forty, manned the batteries in front of their camp; these therefore with their eleven guns were left behind.

Day dawned before the retreat of the French was discovered. But no sooner was it known than Moorari Rao, at the head of 10,000 Mahratta horse, started in pursuit of them. They came up with them just before they reached the prickly pear hedge, which formed the outer defence of Pondichery. On seeing their approach, d'Auteuil formed his men up in a hollow square, whilst Chunda Sahib held his cavalry in readiness to attack them after their repulse. Moorari Rao however, a splendid horseman, little acquainted with squares or European tactics at all, boldly charged and broke into the French formation. But at the same time Chunda Sahib charged his cavalry, who were thus, with the exception of fifteen, prevented from following

him. In this manner Morari Rao was with but fifteen men inside the French square, apparently lost. But the sullenness of the Europeans and his own daring saved him. He dashed at the other face of the square, and succeeded, with the loss of nine men, in cutting his way out. He then joined his cavalry who were engaged with Chunda Sahib. With him and with the French he kept up a running fire till they reached the hedge, when he thought proper to retire.

In this retreat the French lost nineteen men in addition to the forty left behind, many of whom were sabred by the natives, the remainder rescued from their clutches, and taken prisoners by the English. It was however less the loss of men and of guns that afflicted Dupleix, than the destruction by this *contretemps* of his vast plans. We have said that he was on the point of succeeding in inducing Nazir Jung to enter into engagements with himself. He had even persisted in this attempt after he had become aware of the existence of the mutinous feeling amongst the French officers, and it is probable that had the army only maintained its position in the field during the next day, Nazir Jung would have signed the treaty which was being pressed upon him. But this mutiny spoiled all.

‘It is easy to imagine,’ he says, writing in the third person in his memoirs, ‘what was the mortification of Dupleix, when he was informed of all the details of the conduct of our cowardly officers, and further, to complete his misfortunes, that Mozuffer Jung had been taken prisoner and placed in irons by Nazir Jung.’ This last intelligence was but too true. Though Nazir Jung had sworn upon the Koran to restore his nephew to the governments he had held, yet, in accordance with the customs not uncommon in Europe in the thirteenth and fourteenth and in India in the eighteenth centuries, he had at once loaded him with irons. He thus became undisputed Viceroy of the Dekkan, and one of his first acts was to appoint Mahomed Ali Nawab of the Carnatic. This was the destruction of those great schemes to which we have alluded, whereby Dupleix hoped to bring Southern India in entire subordination to French interests. No doubt his mortification was extreme, yet great as it was, it neither caused him to give himself to despair, nor even to abandon his plans. On the contrary, it impelled him to try new and bolder expedients to bring them to maturity.

He himself and the other inhabitants of Pondichery had received the first intelligence of the disgrace of the French army from the run-away officers themselves. These had hurried into the town on the morning of the retreat, and alarmed the inhabitants with the cry that the French army was beaten and that



the Mahrattas were upon them. The first act of Dupleix, on receiving intelligence of a nature so different to that he had expected, was to arrest these cowards. He then hastened to meet the army, to endeavour, if possible, to weed it of the disaffected, and to revive the spirit of the remainder. To this end he had recourse to the most stringent measures. All the disaffected officers were placed under arrest; d'Auteuil even was brought to trial for retreating without orders. The others were reminded that their retreat was in no way due to the enemy, but to the recreant behaviour of their own officers. This confidence in difficult circumstances did not fail to beget its like. The French soldiers felt in his inspiring presence that they had been indeed guilty, and to insubordination succeeded an irrepressible desire to be allowed an opportunity of recovering their name.

But whilst thus engaged in restoring the discipline of the army, Dupleix was equally prompt in dealing with the enemy. This could only be in the first instance by negotiation, and we shall see that in this he exerted the skill of which he was so great a master. Instead of shewing, in this hour of his extremity, by any abatement of his pretensions, how fallen were the fortunes of Pondichery, he directed his envoys to make demands little inferior to those which would have resulted from a French victory. They insisted, therefore, in his name, that no one of the family of Anwaroodcen should be appointed Nawab of the Carnatic, and that the children of Mozuffer Jung should be established in the estates and governments of their father. But they did not stop there. To favour their negotiations, they had recourse to those wiles which they had learned from the Asiatic princes, and which they now shewed they could use more skilfully than their masters. Thus they took credit for the defeat of d'Auteuil, and exaggerated the loss experienced by Morari Rao in his attempts to cut them off from Pondichery. All this time these same agents intrigued with the chiefs of the Nizam's army, especially with the Patan Nawabs of Kuddapa, Kurnool, and Savanore, and succeeded in establishing with these and others relations of a confidential nature.

Nazir Jung himself refused to agree to the terms proposed by MM. du Bausset and de Larche, the envoys of Dupleix; and on the seventh day, these two gentlemen returned to Pondichery. By this time a good feeling had been restored in the army; the officers who had disgraced themselves had been severely punished; others, less guilty, were only anxious by some brilliant achievement to wipe out the stain on their honour; d'Auteuil, who had shewn very clearly that he had acted in the only manner possible

for him to act under the circumstances, had been restored to the command. Now was the time to strike a blow; this the opportunity to shew the viceroy who had rejected his proposals that the French were yet, as an enemy, to be feared. No sooner then had the envoys returned than Dupleix sent instructions to d'Auteuil to beat up the camp of Morari Rao, situated between Pondichery and the main body of Nazir Jung's army. On the night of the 12th April, only eight days after the retreat from Valdaur, d'Auteuil detached 300 men under the command of M. de la Touche to surprise the enemy. They marched about midnight, reached and penetrated the camp without being discovered, killed about twelve hundred of the surprised and terror-stricken enemy, and returned to Pondichery at daybreak, having lost but three men of their party. This bold stroke had such an effect upon Nazir Jung, that trembling now for his own safety, he broke up his camp and retired in all haste to Arcot, abandoning the English, who returned to Fort St. David.

Having thus caused the prestige of success to return to his colours, Dupleix resolved to follow up his blow. Nazir Jung, on reaching Arcot, had resolved on a movement, by means of which, whilst he himself should remain safely shut up in that capital, he might avenge himself of his enemies. At the town of Masulipatam on the Orissa coast, and at Yanoon, situated at the junction of the Coringa river and the Godavery, the French had some time since established lodges or factories. These Nazir Jung resolved to seize, and did seize.

It happened that shortly before these occurrences, two ships, the *Fleury* and the *d'Argenson*, bound for Bengal, had touched at Pondichery for the purpose of discharging a portion of their cargoes, and re-loading at that place. Without confiding in any one, Dupleix made the necessary preparations, and the night before these ships were to sail he embarked on board of them 200 European and 300 native soldiers, with a battering train, and directed the commander to sail direct for Masulipatam and take possession of the place. They arrived there on the evening of the third day. The commander at once landed his troops, surprised the town, and took possession of it without the smallest resistance, and without spilling a drop of human blood. The French colours were at once hoisted on the place, and preparations were at once made for its retention.

But it was in the neighbourhood of Pondichery that Dupleix resolved to strike his most effective blow. Very soon then after Nazir Jung had left for Arcot and the English for Fort St. David, he ordered d'Auteuil to march with 500 men, cross the river Punar, and take possession of the fortified pagoda of Tiruvadi.

only thirteen miles from Cuddalore and almost in sight of the army of Mahomed Ali. The object of this was to obtain a *point d'appui* on the Punar, which would give them command of the neighbouring country and its revenues. The expedition completely succeeded. D'Auteuil captured the place without resistance, and having garrisoned it with 20 Europeans, 20 topasses, and 50 sepoys, began to make arrangements for pushing his conquests further. But Nazir Jung alarmed at the loss of Tiruvadi, yielded now to the pressing solicitations of Mahomed Ali, and reinforced him with 20,000 men. At the same time the English, to whom the possession of Tiruvadi by the French was a standing menace, sent a force of 400 Europeans and 1,500 sepoys under Captain Cope to join Mahomed Ali. This combined army took up a position on the 30th July near the French force, which they found encamped on the river Punar about seven miles from Cuddalore.

Notwithstanding the overwhelming superiority of the enemy, d'Auteuil resolved to maintain his position. This was not only strong by nature, but it had been strongly fortified. To hazard an attack upon Frenchmen in a position defended by entrenchments did not suit the feeble nature of Mahomed Ali. Acting on Captain Cope's advice therefore, he moved against Tiruvadi in the hope of drawing out d'Auteuil to its assistance. But d'Auteuil was too wary to be caught by so transparent a device, and Mahomed Ali, when he wished to change the feigned assault into a real one, found that his soldiers had the same objection to stone walls as to entrenchments, when both were manned by Europeans. He accordingly marched back to his position in front of the French camp, and encouraged by Captain Cope, opened upon it a violent cannonade. The fire of the French was however so brisk and their guns were served so efficiently, that at the end of six hours the allies had had enough of it, and retreated with a considerable loss in killed and wounded. The French loss was slight; but they were too few in numbers to venture in pursuit. They contented themselves with maintaining their position, ready to profit by the disagreement which, they felt sure, would be produced by this defeat between Mahomed Ali and his English allies.

So indeed it happened. As prone to be unduly depressed in adversity as to be inflated in prosperity, Mahomed Ali thought himself not safe from the attacks of the French so long as he remained in the open country. He therefore proposed to retreat upon Arcot. The English, who wished to cut off the French from Pondichery, finding that Mahomed Ali would neither listen to their advice nor advance any more money

returned to Fort St. David. No sooner was Dupleix acquainted with this movement, than he directed d'Auteuil to break up from his encampment, and march on Tiruvadi; there to join a corps of 1,300 Europeans and 2,500 sepoys led by de la Touche, and 1,000 horse commanded by Chunda Sahib. With this force he was to surprise the camp of Mahomed Ali. This Nawab, with an army of upwards of 20,000 men of whom the greater part were cavalry, had taken up a position between Tiruvadi and Fort St. David with the river Punar in his rear, pending instructions for which he had applied to Nazir Jung. Here on the afternoon of the 11th September, the day after the departure of the English, he was attacked by d'Auteuil. The French army advanced in good order, the artillery in front, the cavalry on either wing. In this formation, in full view of the army of Mahomed Ali, the handful of men moved forward, halting occasionally to fire their guns. So long as they were at a distance, the gunners of the Nawab's army replied by an ineffective fire. But when within two hundred yards of the entrenchments d'Auteuil brought up his infantry, and ordered a general charge, the courage of the Asiatics gave way. Not an effort was made to defend the entrance into the camp; the entrenchments were abandoned as the enemy reached them; and the French, quickly bringing up their guns, opened out from one end of the camp a tremendous fire on the masses now huddled between them and the river. Unlike Chunda Sahib, Mahomed Ali shewed neither courage nor presence of mind. Here, as at Amboor, he thought only of his own safety. His men, left to themselves, behaved, as might have been expected, like sheep without a shepherd. The 15,000 cavalry who were in the camp did not strike one blow for their master. How to cross the Punar in safety was the problem each man sought to solve for his own advantage. Victory they never had dreamt of; now even orderly retreat was out of the question. Fortunately for them the river was fordable. Yet, before it could be crossed by the fugitives, they had left nearly a thousand of their number on the field of carnage. They left besides, to fall into the hands of the French, a great quantity of munitions of war, immense supplies of grain and fodder, thirty pieces of cannon, and two English mortars. The French did not lose a single man in the engagement; a few sepoys only were wounded by the explosion of a tumbril.

If battles are to be judged by their consequences, this action may truly be termed a great victory. By it, the French more than regained the ascendancy they had lost by the disastrous retreat from Valdaur; Chunda Sahib, their ally, resumed, in consequence of it, a position in which he could lay a well-founded

claim to the possession of the Carnatic; whilst his rival, Mahomed Ali, who had but two months before been master of the whole of that province,—the territories ceded to the French and English alone excepted,—was forced by this defeat into the position of a beaten and baffled fugitive, fleeing with two attendants for refuge to Arcot. The English on their part, sulkily with Mahomed Ali, on the point of losing their commandant Major Lawrence, who was about to embark for England, were likewise by the same means reduced to an almost compulsory inaction, for they were not at war with France, and the dispersion of Mahomed Ali's army had left them almost without a native ally whom indirectly to assist.

It was true indeed that Nazir Jung was yet exercising the functions of the office of viceroy of the Dekkan, and Nazir Jung was their ally. Sunk in debauchery and the pleasures of the chase, Nazir Jung, however, left the direction of affairs to his ministers and nobility, and the chief of these had already,—thanks to the intrigues of Dupleix,—been won over to the interests of France. Whilst the army he had given to his *protégé*, Mahomed Ali, was being destroyed in the field, he remained inactive at Arcot, not yet thinking himself in danger, not yet believing that the army which fled before him at Valdaur would dare to compete with him in the field. Of this inaction, which he had used all his efforts to secure, and of the consternation caused amongst partisans of Mahomed Ali by the victory of d'Auteuil, Dupleix resolved to take the fullest advantage. He therefore sent instant orders to d'Auteuil to detach a sufficient force under M. de Bussy to attack Gingee, a fortress, fifty miles inland, and the possession of which would, he thought, decide the fate of the Carnatic.

The town of Gingee, surrounded by a thick wall and flanked by towers, is situated at the base of three mountains forming the three sides of an equilateral triangle. Each of these mountains was defended by a strong citadel built on its summit, and by the sides, in many places naturally steep and in others artificially scarped, by which alone access was possible. A cordon of advanced works contributed likewise to make all approach a matter of extreme difficulty. It was no wonder then that in the eyes of the natives Gingee was deemed quite impregnable. Even Sevajee, the ruthless founder of the Mahratta power, had been forced, in 1677, to come to an understanding with its commander to effect its reduction, and Zulfikar Khan, the general of Aurungzebe, had brought about the same result by means of a blockade of the strictest nature. The belief in its impregnability made it always the refuge of defeated armies, and the scattered

parties of Mahomed Ali's force, to the number of 10,000 or 12,000 men, had fled to it after the battle on the Punar for that protection which it was deemed so well able to offer. Against this,—the strongest of all the fortresses of the Carnatic,—Dupleix directed d'Auteuil to send a detachment with all possible speed, indicating at the same time Bussy as the commandant of whom he would approve for such a service. This is not the first time that we have met with this officer. He it was, it will be recollected, who, when the French troops had twice recoiled before the entrenchments thrown up by Anwarooddeen at Amboor, when their commandant, d'Auteuil, had been struck down, rallied the repulsed infantry, and led them, the third time, victoriously to the charge. But little is known of his early childhood,\*—a strange circumstance when it is recollected that he occupies a principal figure, in the estimation of some the foremost figure, in the history of the French in India. This much however is ascertained,† that he had lost his father at an early age, and inheriting little beyond his pedigree, he had come out to the Isle of France at the time that La Bourdonnais was governor, and had formed one of the expedition led by that famous admiral to India in 1746. When La Bourdonnais returned to Europe at the end of that year, de Bussy remained behind as an officer of the Pondichery army. Here he found himself constantly in contact with Dupleix, and, in their frequent meetings, he had not been less struck by the large views and brilliant genius of the Governor-General than had been Dupleix by the noble nature, the striking talents, the desire to acquire knowledge, especially knowledge of India and its people, displayed by the young officer. He had given many proofs of adding to these qualities a courage, a daring, and a presence of mind, which, when united in a soldier, inevitably lead him to fortune; and it was on this account that he had now been selected to lead a detachment of the French army on the most daring expedition on which European troops had yet been engaged in India.

The force placed at the disposal of Bussy consisted of 250 Europeans and 1,200 sepoys, and four field pieces. They left the scene of the action with Mahomed Ali on the 3rd September, and came in sight of Gingee on the 11th. Here at the distance of three miles Bussy encamped, and here intelligence reached him that the remnants of Mahomed Ali's army, 10,000 or

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\* Even that admirable work, the *Nouvelle Biographie Générale*, throws no light on this point.

*National Review*, Vol. 15., Art. *Dupleix*.

12,000 strong, together with 1,000 sepoys trained by the English, and some European gunners with eight field pieces were encamped on the glacis, and were about to take advantage of their overwhelming superiority of numbers to attack him. Immediately afterwards the enemy were seen advancing. Bussy waited for them till they came within pistolshot, when he ordered a general advance, the four guns opening at the same time on the enemy's cavalry. This, as was usual, not only prevented their advance but threw them into confusion. They had already broken when the main body of the French army, under d'Auteuil was seen approaching the field. A general panic instantly ensued amongst all branches of the enemy's forces, and Bussy, taking advantage of it, advanced and secured their guns, killing or taking prisoners the Europeans who served them. He then pushed forward and drove the fugitives under the walls of Gingee, the cannon of which opened fire on the pursuers.

But it did not stop Bussy. Following the fugitives to the entrance of the town, he applied a petard to the principal gate and blew it in. He at once rushed forward, sword in hand, followed by his men, and engaged in a desperate hand to hand contest with defenders. Nothing however could resist French gallantry. Before night-fall the place was their own, and it was occupied during the night by the remainder of the force under d'Auteuil. Their situation was, nevertheless, still one of great danger. We have already stated that the town of Gingee lies at the base of three mountains, the summits of which were strongly fortified. From these summits these poured in now an incessant fire on the French in Gingee. Small arms, grape, round shot, and rockets were used with all the vigour of which the garrison were capable. For some time Bussy replied by a fire from his mortars, keeping his men under cover. But no sooner had the moon gone down than he moved out three detachments of picked troops, all Frenchmen, to escalade the three citadels at the same time. The ascent was steep; redoubt after redoubt hindered their progress; a terrific fire rained upon them from all sides; but no obstacle was too great to be overcome by Bussy and his comrades. The storming of one redoubt filled them with the greater determination to attempt the conquest of another; their onward progress gave them fresh animating power, whilst the defenders after each loss became more and more discouraged. At last mounting higher and higher, they came to the citadels. These too, just as day broke on the horizon, fell into their hands, and the victors could gaze and wonder at the almost insuperable difficulties which they nevertheless had surmounted.

It was indeed a wonderful achievement, great in itself, and calculated by its effect upon the people of Southern India to be much greater. They could be no second-rate warriors who could, within twenty-four hours, defeat an army vastly superior in numbers, and storm a fortress reputed impregnable, and which for three years had defied the best army and the best general of the renowned Aurungzebe. Not lightly would such a feat be esteemed in the cities of the South. The fame of it would extend even to imperial Delhi on the one side, and to the palaces of Poona on the other. It was a blow, which by the intrinsic advantages resulting from it and by the renown it would acquire for those who delivered it, would strike down not only Mahomed Ali but Nazir Jung, would seat the nominees of Dupleix at Golconda and Arcot, would bring Delhi itself almost within the grasp of the French governor. Yes, well followed up, using carefully yet vigorously every opportunity, this capture of Gingee might indeed be made the first stone of a French Empire in India.

The immediate results of the capture on the minds of the natives were all that could have been expected. Nazir Jung, till then devoted to pleasure, now roused himself to action. Yet even he, the viceroy of the Mogul, the disposer of an army of 300,000 men, was thunder-struck at the feat. These French, he felt, must be beaten or conciliated. It appeared to rest with him whether he should attempt the first, or accomplish the second, for almost simultaneously with the news of the fall of Gingee intelligence reached him that d'Auteuil was marching on Arcot, and he at the same time received peaceful overtures from Dupleix. The principal of these suggested the release of Mozuffer Jung and his restoration to the governments he had held in his grandfather's life-time, the appointment of Chunda Sahib to be Nawab of Arcot, and the cession of Masulipatam to the French. It is probable that Nazir Jung would have made no difficulty regarding the second and third of these conditions, but the release of Mozuffer Jung was tantamount to a renewal of a civil contest, and rather than assent to that, he preferred to try the fortune of war. Summoning then his chiefs to Arcot, he set out at the head of an army consisting of 60,000 foot, 45,000 horse, 700 elephants, and 360 cannon, in the direction of Gingee. When however he had arrived within twelve miles of the French force,—which, after making one or two marches in the direction of Arcot, had returned on the news of the approach of the enemy to Gingee,—the periodical rains set in with such violence that any movements in the face of an enemy became impossible. An inaction of two months' duration, from September to the beginning of December,



succeeded, the French army remaining encamped about three miles from Gingee whence, for some weeks, it drew its supplies. When they had been exhausted, it received them, thanks to the excellent arrangements of Dupleix, and despite the unsettled state of the country, direct from Pondichery. Nazir Jung, on his side, was forced to remain in a most inconvenient position, hemmed in by water-courses swollen by the rains, and able to obtain supplies only with the greatest difficulty.

But these two months of military inaction constituted a busy period to Dupleix. Corresponding secretly with the chiefs of Nazir Jung's army, he had succeeded in persuading many of them, especially the Patans and the Mahrattas, that it would be more to their interest to regard the French as friends than as enemies. Both these sections had several causes of dislike to Nazir Jung. His manifold debaucheries, the treatment, after his solemn promise to grant him liberty, of Mozuffer Jung, his constant refusal to entertain the propositions for peace, and the knowledge, that with Mozuffer Jung upon the viceregal seat, they would enjoy not only peace and alliance with the French, but an accession of honours and dignities, all conspired to whet their desire to be rid of him. On the other hand, their admiration, mingled with fear, of the French nation and especially of the statesman who was so daringly guiding its fortunes, gave to the proposals of Dupleix a weight which they found it difficult to resist. A secret agreement was accordingly arrived at between the two parties, which stipulated that if Nazir Jung should refuse any longer to agree to the terms offered by Dupleix, but should decide upon marching against the French, the malcontent nobles should withdraw their forces from those of their feudal superior, and should range themselves, a short distance from them, under the flag of France. To such an extent were the details of this arrangement carried out, that a French standard was secretly conveyed to the malcontents, to be by them on the proper occasion hoisted on the back of an elephant in the most conspicuous part of the field. Other secret arrangements were at the same time entered into between Mozuffer Jung and the conspirators, with which Dupleix had no concern. There can be little doubt but that the death of the Subadar and the distribution of his treasures equally between Mozuffer Jung on one side, and the conspirators on the other, were resolved upon.

But meanwhile better thoughts had come over Nazir Jung. The difficulties of his army, the fear of finding himself engaged in a long and doubtful campaign with an enemy whom all that he had heard and knew caused him to dread, and, above all, the

deprivation of much loved pleasures which this campaign would necessitate, induced him to re-consider the terms repeatedly pressed upon him by Dupleix. To these he had given no reply. But when the fine days of the early December shewed him that the time had arrived when action could not be avoided, he determined to yield everything, to set free Mozuffer Jung, to yield Masulipatam, to appoint Chunda Sahib,—to make any concession, in fact, so that he might be free to drain the cup of pleasure. He accordingly wrote to Dupleix, offering to agree to his terms. With this letter he sent three of his officers provided with full powers to negotiate, for the purpose of signing the treaty. Dupleix, caring little with whom the treaty was made, provided only that his own propositions were agreed to, determined to accede to the offers of Nazir Jung, and wrote at once to the commander of the French forces to suspend all hostilities until he should receive further instructions. His orders however arrived too late. M. de la Touche, upon whom the command had devolved in the absence of d'Auteuil laid up with the gout, had, before this letter reached him, received from the conspirators the signal he had preconcerted with them to advance. They were in fact acquainted with the contents of the letter sent to Dupleix, and justly feared that, if time were allowed, it would interfere with their long-meditated plans. Hence the sudden resolution to bring matters to a crisis and their call upon the French general to perform his part. Ignorant of the negotiations going on at the time at Pondichery, de la Touche had no option. In compliance therefore with instructions which had been given him as to his action in the event of his receiving such a summons from the conspirators, he set out on the night of the 15th December from Gingee at the head of 800 Europeans, 3,000 sepoys, and ten guns, in the direction of the Subadar's camp, under the guidance of a native who had been sent for that purpose by the conspirators. After a march of sixteen miles, de la Touche at 4 o'clock in the morning came in sight of the enemy. Their advanced posts which gave the alarm were soon dispersed, and de la Touche found himself with his 3,800 men in front of an army of more than 25,000. By the skilful management of his guns however he succeeded in keeping at bay, and eventually throwing into confusion, the vast masses of cavalry which were constantly threatening to charge him. No sooner were these dispersed than he advanced on the infantry, and after a very severe contest succeeded in breaking them. But this had hardly been accomplished when he perceived a body of at least 20,000 men advancing on his left flank. At the sight of this new enemy the French began

almost to despair of success, but as they advanced nearer, de la Touche discovered to his joy the French standard displayed on the back of the foremost elephant; almost immediately afterwards 'a messenger from Mozuffer Jung conveyed to de la Touche the intelligence of the success of all the plans of the conspirators.

Nazir Jung in fact, relying on the full powers with which he had accredited the envoy he had sent to Pondichery, would not believe that they were French who were attacking him. When it would no longer admit of a doubt, he sent orders to his generals to repulse, 'this mad attempt of a parcel of drunken Europeans,'\* whilst, seated on his elephant, he took his station amongst his guns. Near him, on another elephant, was seated Muzuffer Jung under the guardianship of an officer who had received instructions to behead him on the first appearance of treason. In the midst of the action, seeing some of his men retiring from the field, the Subadar enquired and learned that the Patan Nawabs, the Rajah of Mysore, and the Mahrattas, had ordered their troops to abstain from any participation in the action. Enraged at this, he started on his elephant to threaten them, first giving orders for the beheadal of Mozuffer Jung. The Nawab of Kuddapa, whom he first met and upbraided, replied by a defiant answer, and directed his attendant to fire at the Subadar. As the piece however missed, he unslung his own carbine, and shot Nazir Jung through the heart. The Subadar's head was instantly cut off and laid at the feet of Mozuffer Jung, whose own had just escaped a similar ceremony.†

This was the intelligence conveyed to M. de la Touche by the messenger of Mozuffer Jung, just after the French, to their delight, had beheld their national standard displayed on the foremost elephant of the advancing party. The first act of the French leader was to despatch his second in command, de Bussy,—although he had been wounded in the fight,—to congratulate the new Subadar on his elevation. Bussy found the newly made potentate seated on the splendidly caparisoned elephant of his late rival, acknowledged as the Mogul's viceroy, not only by the conspiring nobles, but by all but a very small minority of the army which but a few hours before had obeyed the orders of Nazir Jung. The same evening M. de la Touche himself accompanied by his principal officers paid a congratulatory visit to Mozuffer Jung, and received from him the commission to

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\* Orme.

† He simply owed his escape to the fact that the officer in whose charge he had been placed was one of the conspirators—*Dupleix*.

inform Dupleix that nothing would be undertaken without his advice, to obtain which he, Mozuffer Jung, purposed instantly to proceed to Pondichery.

Whilst matters had thus progressed in the field, Dupleix had been awaiting in Pondichery the return of the messenger he had sent to the army to direct the suspension of hostilities. But before that messenger could return, the intelligence of the great victory and its results reached the town.\* The excitement, the joy, the enthusiasm may be imagined. That the French might have entered into a satisfactory arrangement with Nazir Jung had been hoped. But every bound of reasonable expectation was exceeded when it was known that, owing to the exertions of 800 Frenchmen, and 3,000 sepoys trained by them, the *protégé* of France had become the ruler of Southern India, the lord over thirty-five millions of people. Still greater was the national exultation when it became known through a brief pespach from M. de la Touche how modestly Mozuffer Jung bore his triumph; how deferentially he acknowledged his obligations to the French people; and how submissively he had announced his intention to do nothing until he should have communicated personally with the great ruler of French India. The fire of artillery, the chanting of *Te Deums*, illuminations, processions, and durbars, announced all the joy which these occurrences inspired.

Well, indeed, might the French in India feel a pride in their success. Not seventy-six years had elapsed since Francois Martin at the head of sixty Frenchmen had brought the plot of ground on which had since risen the city of Pondichery, and we find his successor in a position to give laws to thirty-five millions of people! Though besieged and taken by the Dutch, though besieged but two years before by an immensely superior force of English, Pondichery had risen to see the decadence of one nation as a rival on Indian soil, and the compulsory inaction and loss of reputation,—both indeed destined only to be temporary,—of the other. The genius of the people had suited itself so well to the natural temperament of the children of the soil, that the French were regarded everywhere as friends; the increase of their territory excited no jealousy. Their policy had been a policy of fidelity and trust. The intimacy of Francois Martin with Shere Khan Lodi had been continued by his successors to the family of Dost Ali. Neither the overthrow of that Nawab, nor the captivity of his successors had been able to shake it. To support that traditional alliance, M. Dumas had bade defiance to the threats

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\* Mr. Orme states that it was conveyed in person by Chunda Sahib to Dupleix.

qualities which, in that rude day, the princes of Asia could admire though they could not imitate. From such an one, practising such lofty sentiments, there was nought, they would believe, for them to fear. That one act of abnegation was sufficient to make them acquiesce without envy, without the least hesitation or doubt, in the substantial acquisitions that had been made that day to Dupleix. He indeed was the hero of the day's ceremony. He emerged from that tent the acknowledged superior of the lord of Southern India.

We have not yet enumerated all the advantages which accrued to the French on the occasion of this visit. In addition to those promulgated by Mozuffer Jung at the time of his installation, one sum of five hundred thousand rupees was made over to Dupleix for the soldiers who had fought at the late battle; another of the same amount was repaid to the Company, on account of moneys that had been advanced, and security given for the amount remaining due. The increase of revenue likely to accrue to the French Company by the territorial cessions we have adverted to, was computed at little short of 400,000 rupees annually. To commemorate these great results thus obtained, Dupleix ordered the creation of a town on the site of the battle which had caused them, to be entitled Dupleix-Futteh-abad.\* This design, founded on sound policy, being in strict conformity with those native usages by which alone the mass of the people were likely to be impressed, and not, as has been ignorantly charged against him, on ridiculous vanity, was not, it is true, destined to be realised. Events were too strong even for this strong man. He, the pioneer of European conquest and European civilisation, whose vast plans were not, as so many of his contemporaries believed, too vast to be accomplished, was yet destined to see them appropriated to a great extent by his rivals. It will be for us, very soon, to enquire and to search out the one weak point in that strongly welded armour,—the one part wanting in that almost consummate genius, by means of which one great adversary, possessing the quality wanting to Dupleix, shattered the vast fabric of his plans ere yet they were proof against attack.

Not only the urgent and pressing instructions from the French East India Company, but his own conviction of the necessity of the case, disposed Dupleix at this period to consolidate his conquests by a definite peace. Peace however was utterly impossible so long as the rival candidate for the Nawabship of the Carnatic, Mahomed Ali, was at large maintaining his pretension. This chieftain, seeing that by the death of Nazir Jung,

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\* Indicating "The place of the victory of Dupleix."

his chances of dominion had been reduced almost to zero, abandoned by the English, and without following, had fled, on the news of the defeat, to Trinchinopoly, behind whose walls he had once before found refuge. Dupleix, who had on that previous occasion experienced the delays and difficulties attending the attack by a native army on a fortified town, was particularly anxious to induce the fugitive nobleman to enter into some arrangement, by which, in virtue of some concessions made to him, he would engage to recognise the new order of things. He was the more hopeful that negotiations to this effect might succeed, as Mahomed Ali was now literally abandoned by all the world. To his gratification and surprise the first overtures for this object came from Mahomed Ali himself. Rajah Janojee, one of the Malharratta leaders who had been with Nazir Jung, and had subsequently transferred his temporary services to his successor, was charged by Mahomed Ali with a proposal to recognise Chunda Sahib as Nawab of the Carnatic, and to make over to him the city of Trinchinopoly and its dependencies, on condition (1) that he should be put in possession of the treasures left by his father, no enquiry being made into his administration, (2) that the Subadar should engage to give him another government in the Dekkan. Dupleix eagerly embraced these terms, and requested Janojee to inform Mahomed Ali of his acceptance of them. This led to the opening of a correspondence between the French governor and Mahomed Ali, throughout which the latter ardently expressed his desire to be reconciled to the Subadar.

This important matter being regarded as settled, Mozuffer Jung, not doubting that peace would henceforth reign in the Carnatic, informed Dupleix of his intention to proceed to the northern part of the Dekkan, as well to consolidate his power, as to settle divers matters which in consequence of the war had fallen into great confusion. But he represented at the same time to Dupleix that, in order to undertake, with safety and success, a journey across provinces which had been so recently hostile, it would be very desirable that a body of French troops, upon whom he knew he could rely, should accompany him. He expressed himself willing to defray all the charges connected with these troops, and, he added, he would not send them back before he had given to them, as well as to the Company they served, real marks of his gratitude.

This proposal chimed in exactly with the policy of Dupleix. It assured him against any change of policy in the councils of the Subadar. It made him virtually master of the Dekkan, ruling Southern India through the representative of the Mogul. He consented therefore to the proposal. Perhaps if he had known

of Ragoojee Bhonsla, and his; till then, irresistible Mahrattas; Dupleix had, for seven years, fed the hopes of the imprisoned Chunda Sahib with the prospect of a throne. And now, this policy had blossomed and borne fruit. Chunda Sahib, released from captivity by the efforts of Dupleix, had made common cause with Mozuffer Jung, the claimant of the viceregal dignity in the south of India, and, after many reverses, the two friends,—thanks to French generalship and French valour,—seemed to have attained the summit of their very highest wishes.

The glory which M. Dupleix had acquired by this successful policy attained its most dazzling elevation when, on the 26th December following, Mozuffer Jung and his followers arrived at Pondichery. Entering the town in the same palanquin with the French governor, this ruler of thirty-five millions paid him in outward appearance the homage and respect due to a feudal superior. He at once made over to him all the treasure, the jewels, the gold and silver ornaments found in the camp of his late rival, and requested him to assume the office of arbitrator between himself and his confederates, the Patan Nawabs, with whom already misunderstandings had broken out. Dupleix in this trying position was true to the traditional policy of the French in India. It was a main portion of that policy to respect native customs, to conciliate native opinion, to rule by means of that rather than by force, to be liberal, generous, trustful, confiding. His position as the secret ruler of the Dekkan, directing all its resources, surely yet unostensibly, by means of its native ruler, keeping his own power, of the superior might of which he was assured, necessarily in the background, was in his opinion more strong and more really powerful, than if he had claimed for himself the ostensible dignity, and with it a territorial extension such as would provoke the jealousy of those even who granted it. His first act therefore was to disclaim for his own part any share in the booty taken after the victory. This, he decided, in his quality of arbitrator, should be divided equally between Mozuffer Jung on one side, and the confederate Nawabs on the other, reserving the jewels only without division to Mozuffer Jung. Any claim which the French might have upon the latter for the part they had played in helping him to his dignities, he left entirely to his own generous impulses.

Having thus, and by some other arrangements, which it is unnecessary to detail, effected an amicable settlement of all misunderstandings, Dupleix prepared for the solemn investiture of Mozuffer Jung, as Subadar of the Carnatic, in the presence of his tributaries and vassals. This imposing ceremony,—a ceremony noticeable as indicating the period when French

power in India had almost attained its zenith,—took place in a magnificent tent pitched in the great square of Pondichery. The splendours of that day; the honours granted to Dupleix, the high position he assumed, have scarcely yet been obliterated from the traditions of Southern India. Let us imagine, as we well can, either side of the gorgeously draped tent lined by the armed nobility of the Dekkan. Mozuffer Jung enters and takes his seat at the head of the assembly. Quickly behind him follows the governor of French India, and presents to the Subadar, as he salutes him, the offering due to his rank. Mozuffer Jung advances to meet the French governor and places him on a seat designedly set there, and betokening a rank equal to his own. To them, thus seated, though nominally only to the Subadar, the assembled nobles offer their gifts. On the conclusion of this ceremony, the Subadar rises, and proclaims the honours he proposes to confer on his French ally. He declares him Nawab or Governor of the country south of the river Kistna up to Cape Cormorin, including Mysore and the entire Carnatic; he bestows upon him as a personal gift the fortress of Valdaur, about fifteen miles from Pondichery, with the villages and lands dependent upon it, as well as a separate Jaghire of 100,000 rupees a year. He confers upon him the title of *munsab*, or commander of 7,000 horse, with permission to bear the ensign of the fish, one of the highest honours in the Mogul empire. He directs that the Pondichery currency shall be the sole currency of Southern India: he confirms the sovereignty of the French Company over the newly-acquired districts of Masulipatam and Yanoon, and an extension of the territories about Karical. Then, turning to Dupleix with the air of a vassal to his liege lord, he promises never even to grant a favour without his previous approval, and to be guided in all things by his advice. Dupleix, on his side, is true to himself, to his policy, on this tempting and trying occasion. With a generosity which, if assumed, shews his political fitness in a still stronger light, he calls up Chunda Sahib to his side, presents to the Subadar his old and tried companion, and urges that if he himself is to hold the nominal dignity of Nawab over the country south of the Kistna, the real sovereignty and emoluments of that part of it known as the Carnatic may be bestowed upon one who had shewn so much steadfastness and fidelity. We can well imagine the impression that would be conveyed to the minds of an Oriental assembly by an act so generous and graceful. He who could thus give away kingdoms, who, in the height of his prosperity could recollect and reward those who under all circumstances had been true to him, shewed the possession of



the secret intentions which Mahomed Ali still cherished, he might have delayed the departure of his troops until the affairs of the Carnatic and its dependencies had been quite settled. But he had excellent reasons for believing that Mahomed Ali had entered into his schemes; that he would resign Trichinopoly in favour of a government elsewhere. Had he not been satisfied with the assurances he had received on this head, it is certain he would not have detached so far from Pondichery a considerable contingent of his little army, and—what was of far greater importance—his best officer to command it. But, as it was, believing peace re-established, anxious to have French interests powerfully represented at the court of the Subadar, and not indifferent to the financial considerations resulting from the transfer to another exchequer of all the charges connected with the troops thus detached, he agreed to send with the Subadar to Aurungabad, his capital, a force of 300 Europeans and 2,000 sepoys, the whole under the command of Bussy. For such a purpose, or indeed for any office, political or military, a better selection than that of Bussy could not have been made; but in sending him, d'Auteuil being still incapacitated by sickness and de la Touche having died, Dupleix deprived himself of the one man upon whom he could depend in the event of any unforeseen military disaster.

On the 7th of January 1751, Mozuffer Jung left Pondichery to join his army, and on the 15th, in pursuance of the agreement he had entered into with Dupleix, he was joined by Bussy and the French contingent. At the end of about three weeks they entered the territories of the Nawab of Kuddapah, who was himself with the army. Here a tumult, apparently accidental, but really preconcerted, occurred between some troops belonging to the army of the Subadar and some villagers. The Nawab of Kuddapah hastened to support his tenants, and attacked the rear-guard of the main body of the Subadar's army, that being the part of the force with which the ladies of his harem travelled. Mozuffer Jung, enraged at this insolence, determined to avenge it, but wished, in the first instance, to assure himself of the countenance and support of Bussy. The orders given to this officer had been to avoid, as much as possible, all appearance of hostility, and in accordance with these, he addressed himself to the task of bringing about an accommodation between the two angry chieftains. But it soon appeared that the Nawab of Kuddapah had allied himself with the Nawabs of Kanoul and Savanore against their former confederate, Mozuffer Jung, and that although anxious, if possible, to avoid hostilities with the French, they were resolved to seize the opportunity of one of the

confederates being within his own district, to effect the destruction of the Subadar. Mozuffer Jung had no sooner satisfied himself regarding their plans than he ordered out his troops to attack them, calling upon Bussy to support him. This Bussy, who considered himself bound to side with the Subadar against traitors, promised to do. Mozuffer Jung, without waiting for the slower march of the infantry, at once attacked the confederates with his cavalry. An obstinate contest ensued, many being killed on both sides. The confederates, however, maintained the position they had taken up, until Bussy and the French contingent arrived on the ground. A few rounds from their artillery and a general advance of their infantry decided the day. The rebel army broke, fled, and dispersed, leaving the Nawab of Savanore dead on the field, and taking with them the Nawab of Kuddapah, grievously wounded. Mozuffer Jung, indignant at the idea that he, the principal conspirator, should escape, outstripped his French allies to pursue him on his elephant. In his headlong course he came upon the third confederate, the Nawab of Kanoul. A desperate hand to hand contest ensued, in the course of which the newly made Subadar, Mozuffer Jung, was thrust through the brain by a spear, whilst his antagonist, the Nawab of Kanoul, was instantly afterwards hacked to pieces.

The death of Mozuffer Jung, Subadar of the Dekkan, was in itself a severe, and might have been a fatal blow to the policy of Dupleix. In his person was struck down the main defender of the French alliance, the man who had personally experienced the advantages to be derived from French wisdom and French valour, the personal friend and *protégé* of Dupleix. No successor could occupy the position he had occupied with reference to French India. It was indeed possible that the government of the vast possessions he had inherited only to lose might devolve upon a minor, or a declared antagonist, who might repudiate all the engagements and cancel all the advantages to which Mozuffer Jung had agreed. Under these circumstances the wisdom evinced by the selection of Bussy became apparent. Feeling that to secure French interests it was necessary for him to act, and act on the moment:—that it was essential that the chiefs and the army should not be left in doubt as to their ruler, but that a man should be appointed equally agreeable to them and to the French, Bussy, with the concurrence of the principal officers of the army, set aside the infant son of Mozuffer Jung, and at once proclaimed the next brother of the old Subadar Nazir Jung, Salabut Jung by name, as viceroy of the Dekkan for the emperor Ahmed Shah. From a throne to a prison, from a prison to a throne constituted in those days, a condition of affairs which might almost,

be termed normal. Salabut Jung was no exception to the rule. He was taken from confinement to rule over thirty-five millions of his fellow-creatures.

The first act of the new viceroy was to confirm all the concessions which his predecessor had made to the French. His next was to add to them. In gratitude, we may suppose, for his elevation, he adjoined to the French possessions at Masulipatam the lands attached to the villages of Nizampatuam, of Condore, of Alemenava, and of Narsapore in its neighbourhood. He ordered the re-building of all the factories at Yanoon which his brother, Nazir Jung, had destroyed; and finally he presented to Dupleix the territory of Mafoosbundur in the district of Chicacole. A few days later the army resumed its route, stormed on the 18th March the fortress of Kanoul, the residence of the deceased rebel Nawab of that title; bought off the threatened hostilities of the Mahratta Bajee Rao by a present of two lakhs of rupees; reached Hydrabad on the 12th April; remained there a month, and finally made a triumphant entry into Aurungabad on the 29th June. Here Salabut Jung in the presence of Bussy and all the nobles of the province was solemnly invested as Subadar of the Dekkan on the authority of a firman stated to have been received from the imperial court of Delhi, but which, there can be no doubt, was a forgery. Here we must leave him, and with him, for a time, the indefatigable Bussy, revolving, and not only revolving but carrying out, great schemes which, had all gone well in the Carnatic, would, there can be no question, have brought forth abundant fruit in their season.

We can leave them indeed with the greater satisfaction at this conjuncture, because it constitutes the period at which French domination in India may be said to have attained its zenith. A glance at the map of India will shew the enormous extent of territory which, in the spring of 1751, was subject to French influence. The entire country between the Viudya mountains and the Kistna, exceeding the limits of the territory now known as that of the Nizam, was virtually ruled by a French general. A French army occupied the capital; French influence predominated in the viceregal councils. To the north-east of Hydrabad, the coastlands, situated between the river Mahanuddy and the Godavery, known as the Northern Circars, and south of that, the country between the Godavery and the Kistna, were secured to the French by means of the possession of the towns of Masulipatam and Yanoon, and of the provinces of Montfanagar, of Ellore, of Rajahmundry, and of Chicacole. South of the Kistna again, the governor of French India had been constituted by the Mahomedan viceroy of Southern India Nawab of the entire country,—

a country comprehending, be it remembered, the entire Carnatic, the whole of Mysore, the kingdoms of Tanjore, Trinchinopoly, Cochin, and the provinces of Madura and Tinivelly. If indeed the French governor did not hold these places under his own sway, it was mainly because it was a part of his settled policy to keep his authority in the background, and to govern through the princes of the country. It was for this reason that he had made over the Carnatic to Chunda Sahib, and contented himself with exercising a moral influence, amounting, in fact, to a real supremacy over the others. But in the beginning of 1751, his power was so far established that there was nowhere a sign of opposition. Mahomed Ali, the rival of Chunda Sahib, had promised submission and obedience, and had consented to retire from the stronghold of Trinchinopoly. The English, thus deprived of all pretext for interference, were sulking at Madras and Fort St. David. Their presence, it is true, constituted a thorn in the side of the French ruler, but his hands too were withheld from attacking them, and the utmost he could aim at was to bring about such a state of things in Southern India, a condition of such universal acquiescence in French arbitration, as would leave them without consideration and without power. Armed with the promise of Mahomed Ali to agree to the conditions that had been proposed, he seemed almost to have brought matters to that point in the spring of 1751.

To us, who, after the fall of the French power in India, required forty years of hard fighting to gain a position equal in influence to that which Dupleix had acquired after an administration of less than ten years' duration, these results may well appear marvellous. For a solution of them we must look to the character of the man himself. His mental resources appear perfectly inexhaustible. Difficulties seem to occur merely that he may find means for riding over them. Whether it is a repulse in the field, a mutiny of his troops, the defeat or defection of an ally, he is prepared for all, ready to remedy all. Nay more, a repulse is to him always the prelude for a further advance. Uniting with extreme prudence the readiness to greatly dare, he never fails to trust Fortune, at the same time that he exhausts every effort to make her his ally. Who but he would have sent Paradis to bid defiance to the hitherto unconquered armies of the representative of the Mogul? Who but he would have ordered the attack on the impregnable Gingee? Who but he would have sent Bussy with but three hundred Frenchmen into the heart of Southern India, then a *terra incognita* to Europeans? A march of a handful of Europeans from Pondichery to Aurungabad was considered in those days as wild and as dangerous a

project, as would in these the despatch of a detachment from Peshawur to Bokhara. His directors condemned it, France cried out against it, but Dupleix insisted upon it. It was, he well knew, the lever by which, Chunda Sahib being master of the Carnatic, he could shake even the throne of the Mogul.

It is very well for those who are wise after the event to declaim against the vastness of his schemes, and to aver that sooner or later they must have broken down. We cannot share that opinion. We believe, on the contrary, that under ordinary circumstances, his success would have been certain. Had he had but ordinary men to deal with, nothing could have stopped him. Had he even had another Bussy to support him, the chances would have been greatly in favour of his ultimate triumph. Had he even, if we may so far anticipate, not been re-placed in his government at a most critical period of his fortunes, the soundness of his policy might even then have been verified. But it was written that India was not to become French. The history of the world abounds with instances in which everything turns on the action of an individual man. Had Ferdinand of Gratz never been born, the Austrian Empire would have been for three hundred years the mainstay of Protestantism. Had Gustavus Adolphus never been born, that same Ferdinand would have brought all Germany under the yoke of the Jesuits. Charles I had his Cromwell, Louis XIV his Marlborough. It was fated too that the high-soaring Dupleix should meet with his Clive.

As yet, however, whilst Bussy is marching on Aurungabad,—the dictator of the Dekkan,—everything seems to smile on the daring statesman who, from his palace in Pondichery, directs every movement on the board, and to him thus triumphant, to him who in ten years has made Pondichery the centre point of Southern India, we cannot refuse the expression of our admiration of his soaring genius, his untiring energy, his vast and comprehensive intellect.

## ART. IV.—THE NATIVE PRESS OF BENGAL.

IN promoting education in India, one and not the least important of the avowed objects of the Government was to form an intermediate class, which would be able to act as the interpreter between the ruling power and the people of the country, and prevent, as far as possible, those lamentable mistakes and misconstructions of our motives which have been only too frequent. One of the first and most obvious consequences of the formation of this class has been the growth of a press, modelled more or less on the European system, and discussing the acts and intentions of Government with a freedom and independence which their elder brethren cannot surpass.

No object of a government has ever been carried out more surely or speedily than that which we have just named. The educated class and its inevitable corollary, the press, have, at any rate in Bengal, carried out the work designed for them with an alacrity as great as their most enthusiastic supporter could have desired. Whether they have done so in the style and tone most congenial to the Government which watched over their infancy might be questioned, but that they have done their part *con amore* is undeniable; an unfailing class instinct has pointed out to them that the rôle of interpreting the views and wishes of the Government of the country to the people, and by consequence of interpreting the views and wishes of the people to the Government, assigns to them an influence and importance second only to that of the Government itself, and in some respects even superior to it.

Nor has the policy of Government in the preparation and publication of a weekly abstract of the vernacular press, and still more in frequently calling on its officers for reports on subjects commented on by that press, had the tendency to diminish this importance. It might even be questioned whether the effect has not been detrimental in bestowing on private and anonymous critics an influence greater than was expedient; be this as it may, the result is that the native press, as a whole, is now sufficiently powerful and important to justify the attention we propose to bestow on it in this article.

The utility of an institution like the native press is two-fold. It is valuable not only as affording the Government an insight into the arguments by which the writers in it are able to support their views, but still more as showing what those views are. Hence in assigning importance to this press, we are by no means forced to extol the ability or integrity of its principal organs, for it equally serves the latter purpose whether its columns are well or ill written, whether they are filled with sound and moderate reasoning or vapid and wordy nonsense.

In many, in fact the greater part, of the subjects which come under discussion, the comments of the native papers are as varied and antagonistic as those of the press in England; with the addition perhaps that it is difficult to trace any definite line or policy in their antagonism, but they take up their line of argument according to the temper of the hour, or the views of the particular writer. In all such cases we may assume with tolerable confidence, that there is no serious grievance to be remedied. When persons begin to form conclusions on argument, they have seldom any pre-conceived opinions strong enough to supersede argument; and where we find the *pros* and *cons* stated with tolerable fairness, and opposite conclusions arrived at, it is a sure indication that no great national interest or prejudice is affected.

There are however, certain questions on which the whole of the native press re-echoes in substance one and the same opinion, subjects to which they are always recurring on every possible occasion with a perfect unanimity of views; in such cases it cannot be doubted that whether right or wrong, justifiable or unjustifiable, the views advocated are those not only of the writers, but even more of the readers of the papers, and the discussion of such points as these must always be the most interesting to those who are desirous to learn how the natives criticise our administration, and in what quarters their real or imaginary grievances are to be found. If this test be accepted, some of the abuses which Europeans are accustomed to regard as the most vulnerable points of our administration, do not appear to deserve the position assigned to them.

Most conspicuous among these is the administration of justice in the Mofussil courts. From the manner in which some persons speak and write on this subject, it would seem as if the incapacity, ignorance, and carelessness of the local courts were a disgrace to our Government, and made our rule almost insufferable. Such, however, appears to be by no means the case, if we adopt the proposed criterion. Among

the complaints of the native press, the incompetency of our courts holds a very subordinate place; occasionally when an unpopular offender is let off, or when a sort of representative man among Bengallees of the new school is convicted, there is a little flash, and an article or two modelled on the fashion of the English press on the same subject; but the general tone in speaking of such matters appears to be one of comparative indifference, and when judicial officers are referred to, it is nearly as often in praise as in condemnation.

In fact, when we consider what are the requisites for a judicial officer in this country, and to what extent they are found in the generality of the persons who occupy that position, it would be strange were it otherwise. The more reliable is testimony, the easier and less important becomes the labour which is brought to bear on the determination of matters of fact; the more complicated and scattered is the law, the more requisite does an intimate knowledge of it become. Now in England the trustworthiness of evidence reaches its maximum; doubtless it is easy enough to procure false evidence at the large central courts, and plenty of it is procured, but such witnesses are generally confined to disreputable cases, they are easily seen through, and are relatively obtuse\* and clumsy, compared with their confraternity in India. Moreover, the better and more truthful classes do not as a rule avoid the courts, and it will not be contested that trustworthiness may fairly be attributed to English evidence on the whole. Hence the discrimination of facts is generally regarded by Englishmen as the element of inferior importance in the administration of justice. On the other hand, there is scarcely any other country in the world where the law was till recently, so intricate and uncoded as in England, hence the corresponding accession of importance to the legal element,—an importance which naturally reaches its maximum, when it is considered that every decision on a question of law becomes of national interest, where law is almost entirely case-made. In India, on the contrary, the law

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\* This statement may be thought incorrect, as a clever cross-examination almost always discredits a native witness. This, however, proceeds not from their want of invention or ability, but from that habit of overstatement and exaggeration, which equally distinguishes a true witness. What native witnesses excel in, is the power of concocting stories so cleverly, and recounting them so confidently, that they cannot be detected. They can be broken down in the same manner in which true witnesses can be broken down, but we have never seen an advocate who could apply such a cross-examination, as would break down a false witness, and not also break down a true witness.



is comparatively simple and accessible, whereas the difficulty of deciding on evidence is proportionately increased; the better classes avoid the courts, an atmosphere of perjury pervades them, and frequently the whole of the witnesses on both sides are totally untrustworthy. For such work as this, it is obvious that a capacity for weighing probabilities, good common sense and entire impartiality are requisite,—qualities which it must be admitted are to be found in the officers who preside over the local courts, taking them as a body, as much as in any other class of officers in the world. It is not therefore, a matter of surprise that the native press do not regard the administration of justice as any great or prominent grievance, and this assertion might even be extended beyond the mere character and qualifications of the presiding officers, to the whole body of subordinate amlah, who are generally regarded as such monsters of iniquity. Certainly there are many persons who think that whatever defence may be offered for the Magistrates, the courts under them admit of no apology whatsoever; but again we must assert, that if the comparative silence of the native press is accepted as a criterion, they are not so unpopular as they are supposed to be. Sometimes, as in the *Englishman* in April last, we find an exposition of official villainy which appears to transcend all limits of endurance; it is shown, for instance, that it costs some 40 rupees in bribes to win a suit of 5 rupees, and that every amlah concerned profits by the transaction to the extent of from 8 annas to 2 rupees. As in most collectorates there are from 100 to 300 suits a month, many of which are for larger sums than 5 rupees, the amlah are evidently richer men than they are generally supposed to be.

We cannot forbear from protesting against such exaggeration. Granted that there are festering corners of iniquity to be found scattered over the country, which approach in some one or two details the picture which the writer in the *Englishman* has given as the common type of a Mofussil court; yet that it is a fair sample, or even that any one court produces at one and the same time all the descriptions of extortion therein stated, is a supposition which refutes itself by its own extravagance. If it cost a man 40 rupees to obtain and execute a decree for 5 rupees, especially when these costs are of a character which could not be recovered, we may be quite certain that the number of suits for 5 rupees would be very small; and that they are not so, is easily ascertainable. Moreover, there is a point beyond which roguery comes into collision with roguery, the interests of the mookhtears with the interests of the amlah. The mookhtears know perfectly what costs are necessary and

what are fraudulent, they also know that the higher the costs the greater is their loss in a twofold manner; for fewer suits will be brought if the expense of bringing them is increased, and when brought the more the client has to pay in other respects, the less liberal will he be towards the mookhtear. We are far from denying that in the courts of the Mofussil, and in many other courts as well, a suitor finds his path considerably smoothed if he has a certain number of spare coins at his disposal; old documents can be produced, copies can be made, with more or less speed according to the will of the amlah concerned, and it is not difficult to guess what is the motive power to influence his will, when it becomes important that the required operation should be performed with celerity. Such a fact we neither deny nor defend, all we can say is that it is more or less common to all places, and will be found out of India almost as frequently as in it; above all that it is not a very crying evil at the worst, especially in courts where the ordinary costs are lower than in almost any other courts in the world. After all, a suitor who, besides paying some 100 rupees in costs, pays some 40 or 50 more in unauthorised gratuities before obtaining a decree for 2,000 rupees, has no great reason to complain of his lot when he compares himself to his brethren in England or elsewhere, who are charged to the extent of some ten times the amount of the two combined for their privilege of suing and being sued for a similar sum.

Among minor grievances, the Police and the Post Office appear to enjoy the distinction of being most unanimously censured by the native press; it is very rarely that one finds a good word for either the one or the other. In the case of the former this might perhaps have been anticipated. The duties of the Police have a tendency to make them unpopular, and at the same time the necessary ill-success which must frequently attend the discharge of this duty, *viz.* the being absent when they are wanted, or the inability to detect anything when they do appear, naturally enhances this unpopularity. As far as we can judge, as a rule, the new Inspectors and Sub-Inspectors appear to be preferred to the old Darogahs, while the opposite is the case as regards the main body of the Police; the military training, dress and arming of the new force has had the effect of widening the breach between them and their fellow countrymen, and augmenting the dislike, not to say terror, with which they are regarded.

The Post Office occupies a more conspicuous place among native grievances than might have been anticipated. The difficulties and delays in obtaining delivery of ordinary letters by

persons who live in the interior appear to be almost intolerable ; even of letters on the public service, addressed to smaller schools and similar places, it will be found that from 5 to 10 per cent. never reach their destination, and a pre-paid private letter to a common person has, we suspect, a far greater chance of miscarrying than of arriving safely. We make this statement without any intention of finding fault with the Department ; the impossibility of adequate supervision in the interior fully accounts for the existence of the defects we have remarked upon.

Having now stated, as far as we can judge, what are not the grievances of the native press, or what, if grievances at all, are at most only minor grievances, it is time to turn to those subjects which do constitute a never-failing source of complaint. Little as such a question is noticed among the English papers, the first place must undoubtedly be given to the manner in which natives are employed and paid under Government. It must not of course be forgotten that this press represents but a fraction, though the most advanced fraction, of the people of Bengal, and that it by no means follows that even this fraction really feel, to any serious extent, the grievances which they deem it expedient to put forward. It should also be remembered that quasi-political grievances always do present a greater attraction to the press than those of a purely executive character ; but still, whether the depth of the discontent be little or great, the fact of its existence and prominence cannot be disputed, and the grounds on which it is put forward are in any case deserving of consideration on their own merits. Perhaps no article can be selected which expresses the general feeling on this point more definitely and clearly than one which appeared in the *Bigyaponnee* in November last.\* The subject of this article is the rule of Sir John Lawrence, from which it is hoped that two advantages may ensue ; what follows is thus related in the weekly abstract prepared under the orders of Government. The first advantage is that a precedent is thus created for the appointment of a civilian to that high office, and what is there to prevent a native of Bengal from eventually becoming Governor-General of India ? The second advantage is that His Excellency knows the causes of discontent in the minds of natives with respect to British rule, and may remove them. But as no signs of their removal have yet appeared, the editor thinks it expedient to enumerate the heads of grievances, which are as follows :—1st. The natives

\* This paper was originally intended for the February number (84), hence the references are for the most part prior to that date.

are not allowed to share the privileges of the Europeans. 2nd. They are subjected to a discipline different from that to which the English in India are subjected. 3rd. The funds of the country are expended without any reference to the wishes of the people. 4th. Though the natives are loyal, they do not enjoy the confidence of Government, and are not admitted into the army. 5th. The Government are very partial to those of their own race. Some other minor grievances follow. In other words the grounds of complaint may be stated as (1) that the natives of India have no voice in the expenditure of the public money, (2) that they are not fairly treated in the disposal of patronage, (3) that they are not placed under one and the same administration of the law with Europeans.

Now, as we have above said, how far these grievances actually do press heavily on the bulk of the natives, or even on the educated natives of Bengal, is a matter with respect to which very different opinions might be entertained. There are many who might think that they are mere theoretical grievances, which are felt but little by the many, but which the few find it expedient to harp upon as the best means of increasing their own influence and importance, as it is frequently and at least plausibly asserted that in England the extension of the suffrage is little cared for by the lower classes, but that Mr. Bright and his party find it necessary to their own influence to represent it as an important question. On the contrary, there are others who probably with equal good reason might assert that the alleged grounds of complaint are truly felt as grievances by all those natives who give any thought to their political *status*. But whichever opinion be correct, there is no doubt that the *Bigyaponee* correctly represents the common feeling of the native press in the prominent place which it assigns to the grievances detailed above. On every possible occasion which offers itself, whether it be the new classification of educational officers, or Baboo Monmohun Ghose's letter about the Indian Civil Service, or Mr. Trevor's proposition to increase the salaries of subordinate civil Judges, no sooner is the subject broached, than the *Some Prakash*, the *Dacca Prakash*, the *Poornochundrodoy*, the *Bigyaponee* and others take it up as their text for the purpose of introducing their favourite subject. It is worthy of note too, that in the pamphlet recently published in England by Poorooshuttum Modeliar, the partiality for Europeans or the relative exclusion of natives with regard to public employment, in alleged opposition to the Queen's proclamation of equality, is associated with the Penal Code, the dethronement of native princes, and the extinction

of the native aristocracy as the four principal Indian grievances; and not only does this writer assign to this grievance so prominent a place, but the line adopted by the *Some Prakash* in commenting on this pamphlet, shows still more decisively in which direction the current is flowing at any rate in Bengal. The editor (in the number for September 25th, 1865) with regard to the dethronement of native princes, considers that it *was* a well-founded grievance, but that the policy of the Government is already changed on that point. As regards the extinction of a native aristocracy, he disagrees with the writer of the pamphlet altogether. As regards the Penal Code also, the editor considers that a few inexperienced Assistant Magistrates occasionally make it work oppressively, but he does not consider that any substantial grievance exists on this head. Not so however as regards the remaining grievance; while he tones down the other three, he considers that Poorooshuttum Modeliar has but inadequately stated the fourth. It is not only higher appointments which are given to Europeans, but the system of favouring them in the disposition of lower appointments also is being introduced; on this point he expressly states that Poorooshuttum Modeliar has expressed the national feeling. The Government from time to time acts contrary to Her Majesty's proclamation and its own promises. The natives of India no longer content themselves with the post of a Deputy Collector or a Small Cause Court Judge; they aspire to share in all situations connected with the judicial and executive department. And further on, the editor adds that the writer of the pamphlet ought not to have omitted to mention that it is a grievance that the natives are not practically allowed to enter the Civil Service—it is a grievance that they are not allowed to enter the army—it is a grievance that they have no voice in the expenditure of the taxes, and more especially that so large a sum is unjustly taken from India to support the army in England.

We feel confident then that we are justified in concluding that the partiality and preference shown for Europeans is *par excellence* the grievance which is put forward most prominently, and regarded as the most galling by the native press of Bengal. And with regard to it, it may naturally be asked; *1stly*, whether as a fact it exists; *2ndly*, whether if it exists, it is expedient to remove it in whole or in part; *3rdly*, and most important of all, whether there is any injustice in maintaining it, and whether, expedient or inexpedient, we are bound in duty to remove it.

As to the first point, we think it is impossible for any candid person to deny the existence of the preference. In subordinate

appointments which 'are by their character open to both Europeans and natives, the former have decidedly the lion's share, while of the higher appointments the Europeans enjoy almost the monopoly. In the recently formed grades in the Educational Department, not a single native, not even Baboo Bhoodeb Mookerjee the additional Inspector of schools, was included. The Civil Service is nominally open to all, and given away by free competition; but the examination is held in London, so that natives are practically all but excluded.\* India is a part of the empire, and is garrisoned by a part of the imperial army, but the natives of India cannot enter that army whether as officers or doctors. At the top of the legal profession in India come the barristers, but no person can become a barrister in India; he must go to England or Ireland to be called, or must content himself with the inferior position of vakeel, and abandon all hope of being admitted to practise on the Original Side of the High Court, even though all the parties concerned in a case may be his own countrymen or relatives. In short, whether the natives take service under Government in the Police, the Department of Public Works, the Financial Department or elsewhere, they find that the higher appointments are reserved for Europeans, and the lower and less valuable left for natives.

Moreover not only are they unequal in the favour of Government, but they are also unequal in the administration of the law. A native steals or commits criminal breach of trust, he is tried on the spot, and, in most cases, not even before a jury. A British subject commits the same crime, and his offence must be overlooked, or else he must be prosecuted at great cost before a partial tribunal, for we conclude that it will be conceded to us that while an European and a native enjoy a tolerably equal chance of obtaining a favourable summing up from the Bench of the High Court, the chance of that summing up producing a corresponding impression on the Jury is anything but equal in the two cases.

Admitting then as we are constrained to do that the preference and partiality for Europeans are unquestionable facts, the next

\* The native papers would go further and say that even when an energetic Hindoo does go to England to compete, rules are changed purposely to exclude him. This is decidedly the opinion of several papers. We need hardly say that it is unquestionably a mistake. Whether the alterations were justifiable or not, the Commissioners could not have had the remotest idea of damaging Baboo Monmohun Ghose's prospects when they made them. Moreover the writer of a letter to the *Englishman* in May or June last seems to show that the damage caused was imaginary.

question we have raised is whether it is expedient to maintain the distinction or not. This question we do not propose to answer on the present occasion; partly because it is a very large question, which cannot be properly answered in a limited space, and still more because it is not the question which the native press itself, as a rule, discusses. Moreover the question of expediency may in the long run be left to rectify itself. We may be quite certain that one of the objects of our administration is to strengthen itself, and, therefore, it can at the worst be only an error of judgment, which may be corrected at any time, if the natives do not enjoy as much official patronage and legal equality as is expedient.

We therefore pass on at once to the third and more important question, whether in maintaining the preference and partiality for Europeans, the Government of India is guilty of any injustice or political immorality. From the general tone of the native press, it appears as if in their eyes to state the case of preference as we have stated it above is sufficient, that no further proof of its injustice can be required. On the other hand, we often hear Englishmen lauding and extolling our impartiality and fairness, and speaking as if we were only too anxious to find educated natives in order to employ them, and apparently forgetful that at the very outset our broad and general policy, to say the least, requires explanation. The question then of justification for this policy ought not to be lightly passed over by any one who cares to reconcile theory with practice, or treat politics as anything more than a tissue of inconsistencies, incapable of being tested by logic or reduced to even the semblance of a system.

In dealing then with the question of impartiality or equality, it is most important to observe the distinction between equality in governing and equality in being governed. The native press, it will be seen, base their claims at least as much on our general promises of equality, as on ideas of abstract right. The important question, therefore, for consideration in either case, is—what is the extent to which we are bound by abstract right or by our general promises? To such a question the answer appears easy enough. Abstract right is in all cases a slippery ground to build upon, but the utmost extent to which we could be expected to admit it as an argument for equality, is that it binds us to concede equality in being governed. To admit that persons had an abstract right to govern themselves, would condemn not only our whole system of government in India, but every other government also which does not rest on universal suffrage.

In a similar manner; if our general promises of equality are appealed to, the question arises whether those promises imply the concession of equality in governing, or equality in being governed. Again, it is clear that they could only have implied the latter; equality in governing was altogether out of the question, and would have involved either the withdrawal of India altogether from the control of the English Parliament and Parliament-elected Ministers, or the introduction into that Parliament of an enormous number of members for India, proportioned to the size and importance of that country; both of which were obviously never contemplated for a moment.

We are therefore in possession of a simple and at the same time, obvious criterion to apply to the claims of the native press, *viz.* does this complaint of inequality relate to something connected with governing or being governed? If the latter, we maintain that some very good grounds ought to be adduceable to justify the retention of the inequality, if indeed any grounds can be held to be sufficient; if the former, then the inference is easy that what is demanded is not equality as subjects, but something which, when followed to its legitimate consequences, requires us to take to our ships and be off, unless the voice of the people of India speaking by universal suffrage requests us to remain.

Adopting then this canon of criticism, let us first turn to the charge of inequality in the administration of the law; are we not compelled to admit that the privilege which British subjects enjoy of being tried before the High Court and a Calcutta jury, is a manifest breach of this equality? It has indeed been defended, and that by no less a person than the present legal member of Council, on the ground that it is only a case of exceptional legislation, and is on a par with that which secures their own law to a Hindoo or Mussulman defendant in a civil suit relating to inheritance or contract. But so weak a defence by so able a defender is perhaps the strongest of all proof that the position is untenable. The one is a case of civil, the other of criminal law,—civil law which is by its nature private, while criminal law is public, the former being for the benefit of individuals, the latter for that of the community. Hindoo civil law being for the benefit of Hindoos, it would be indeed preposterous to introduce any alterations which would be other than beneficial, and if their own law on certain matters is better suited to them than ours, it becomes not a privilege but a mere abstaining from wanton hardship, not to deprive them of the benefit of it. But criminal law being for the protection of the community, exceptional legislation



in this respect is giving to a class a privilege as against the remainder of their fellow-subjects. Moreover, the failure of analogy between the two cases, as adduced by Mr. Maine, does not end here; even admitting that the different circumstances of different nationalities might justify a variance in the criminal laws laid down for them, though being in one and the same place and subjects of one and the same Government, still in the grievance under consideration, it is not the substantive law but the procedure and the tribunal which are different. For this it is impossible to assign any other reason than that the tribunal and procedure which are good enough for one class, are not good enough for the other; the very worst and most humiliating excuse which could be admitted. A, a Hindoo, is accused of killing B; the local tribunals and Criminal Procedure Code are good enough for him, and he is tried on the spot. But let A be a British subject, and the case is changed; the local courts are no longer competent to judge of the case against him; a vast amount of public money must be spent in conveying him and the witnesses to a distant place before justice can be done.

But unless we are mistaken, the Hindoo grievance does not terminate here. Were it only that a more learned and more highly-paid Judge and a more scientific bar are appointed to try the British subject, scarcely half the present dislike would be felt to this exceptional legislation; but the most objectionable element still remains. The British subject must be tried not by an impartial and experienced Judge, but by a Jury often strongly imbued with class prejudices. Scarcely a sessions occurs without one or more such prisoners, who ought to be convicted and for whose conviction the Judge had charged, being acquitted; and such an event scarcely ever fails to excite the comments of the native papers. Not long ago, a single jurymen by persistently standing out, prevented the acquittal of a prisoner who was convicted by the succeeding jury almost immediately. On the other hand, it cannot be denied that Mofussil juries not unfrequently retaliate in cases in which they have to try a complaint made by an European. In such trials it is often even more impossible to obtain a conviction, than it is when a Calcutta common jury have to try one of their countrymen. The consequence seems to follow that in a country such as this, it would be better to leave questions of fact in criminal as in civil matters to be decided by the Judge, at least in all cases in which race or class prejudices are aroused, or if the introduction of laymen is deemed desirable, it should be as assessors only, and not as final and irresponsible arbiters.

In these remarks it is far from our intention to decide that the immediate introduction of a Black Act, as such legislation has been termed, is, regarded independently of our professions of equal legislation, expedient; we own that on the whole we incline to the opinion that no harm would result from it, and we cannot but think that the Government are paving the way to this end by safe and gradual steps. We are the more wedded to this view from a sense of the humiliating criticism, which the present state of things subjects us to. Still we cannot pretend to deny that it is by no means an easy or simple matter, and that many grave and weighty reasons might be alleged against equalising the law. But if we cannot carry out our professions, we should never have made them; we surely intended to promise equality in being governed, and as long as the dominant race is under one law and procedure, and the subject race under another, it is useless to pretend that that promise is fulfilled.

If an explanation be sought to account for this diversity between theory and practice, it should probably be found in the fact, that the English nation have the chief voice in laying down the theory of our Government, whereas the local Government, the press, and the independent Europeans have the greater influence in determining its practice. Now it would be difficult to find any country less qualified to lay down theories for the government of another than England. Only the other day Mr. J. S. Mill pointed out with great effect in Parliament, that it was in England that the position of landlord and tenant was exceptional, and that England was endeavouring to regard an exceptional state of things which suited her, as the rule which ought to be applied to all other countries. The same is true of many other things besides tenant-right, and of none more than of the antagonism between races and classes. In England all races are so fused together, such a good feeling exists between the different classes of society as regards the application of the law, and the law itself is so congenial to the national taste, that no checks either exist or are required to prevent the law from being turned into a handle for one class to use for the purpose of oppressing the other, or to secure one class against the prejudices of another. Hence a jury, composed of the lower middle-class, tries all persons and all classes of graver crimes, without complaints or scandals or serious abuses. This system is then made in theory the model on which justice should be administered in India,—a country where a great part of the law is at variance with the national feeling, where violent race antagonisms exist between natives and Europeans, where strong

class rivalries are formed between the official element on the one hand, and the English bar, the independent Europeans, the greater part of the English press, and not unfrequently some of the Judges (*e. g.* Sir Mordaunt Wells) on the other ; while the character of evidence is such that the very axioms upon which the English system is based become more or less untrue in India.

In such a state of things, the opposition against the equalisation of the law forms part of a general system of protest against the abstract theories which impose on ~~C~~is country 'an income-tax, a military police, irresponsible juries, and other equally unsuitable institutions ; only in the instance in point the protest is directed against the most defensible of all English theories, one which it is difficult to contravene without a blush ; *viz.* that in a state of peace and tranquillity all subjects of the Government should enjoy the protection of the law without favour or inequality.

We now come to the second point of inequality as regards employment under Government, and adopting the criterion above laid down, the question to be examined is, whether the claim to be employed indifferently with Europeans is in its nature a claim to equality in something connected with governing or a claim to equality in being governed ? For this purpose let it be considered what is in the last resort the governing body and what the governed in India ? India is governed nominally by the Queen, virtually by the English ministry for the time being. The ministry are dependent on the will of Parliament, and Parliament is composed partly of hereditary peers, partly of members elected by the £50 tenants and £10 householders of the United Kingdom. So that in the ultimate resort, the governing body consists of the Queen, the peers, and the voters at elections for members of the House of Commons, while all the people in India, Europeans included, fall within the limits of the governed ; and it is obvious that the line of demarcation between these bodies cannot be altered, except by an appeal to force, or by the voluntary admission of others into their pale by the governing body.

In the next place, it needs no proof to show that all governors, more especially a governing body such as that of India, exercise their power mainly by subordinate agents whom they select and to whom they delegate part of it, and that, if they were not allowed to choose their own agents, or if their choice was in any material degree fettered, they would lose an essential and important portion of their authority. Thus, the suffrage-holders in England exercise their power only in choosing

members for the lower house. Take away their right of choice and their power is altogether gone. Again, the House of Parliament practically choose the ministry; deprive them of their right, and their power would be greatly curtailed. In a similar manner, if the ministry had no right to choose the Governor-General and other Governors of provinces, and if these Governors could not choose their own subordinates, their respective powers would be greatly diminished.

In short, the actual governing power is exercised, partly by the Parliament, partly by the ministry of the day and especially by the Secretary for India, partly by the Governor-General, partly by the Governors of provinces, partly by the various Councils and Legislative Councils, partly by Commissioners of Divisions and partly by other subordinate agents; while the governing body scarcely exercises any direct power at all, and is the governor only because it chooses those to whom its power shall be entrusted. Nor is it a mere fragment of power which thus passes into the hands of the subordinate agents; for instance, who will deny that a district will be better off which has a good Collector-Magistrate under an indifferent Commissioner, indifferent Governor and indifferent Secretary of State, than a district which, during the incumbency of an able Secretary of State, able Governor, and able Commissioner, is placed under a bad Collector-Magistrate?

It seems then to be a reasonable conclusion that it is an essential prerogative of a governing authority to be unfettered in the choice of its agents, or rather to have no other fetters than those which it chooses to impose on itself for its own convenience; and hence that there can be no such thing as a *claim* to be employed as an agent of Government on the part of one who is governed, except in so far as that claim arises from past services, expressed or implied contracts, and other engagements of a similar character.

Such a claim where it exists becomes *ipso facto* a claim to a participation, however small, in the Government itself. Let us take as an illustration of this one of the very subjects of complaint on the part of the native papers, *viz.* that the examination of the Civil Service is held in London. It is not an inapt instance, because of all the subordinate servants or agents of Government, there are none which from the nature of their duties exercise a larger share of power than the Civil Service. Therefore if any person, not himself a servant or member of the governing body, were to have a right to appoint to the Civil Service, he would have some share in the Government itself through his nominees. The governing

body would, it is true, be able in the last resort to pass what laws and orders it desired, but laws and orders vary so much according to the manner and spirit in which they are executed, that the nominator of the Civil Service would practically be able to affect these laws and orders very materially. Now the governing body having this plenitude of power as regards the selection of its civil servants, does not by throwing them open to competition intend thereby to abdicate any part of its prerogative. It is under no obligation, except the moral one of choosing those who will best carry out the measures which it deems good for the country; it might have selected all its civil servants from one city, or from one street of one city, if it thought this the best method of securing efficiency. When therefore it throws these appointments open to general competition in London, it does so, not because there is anything sacred in competition, not because all classes have an *a priori* right to compete, but because it considers that on the whole this method secures a better class of servants than would have been obtained by entrusting the Secretary of State or one or more of its other agents with their selection. Therefore, in fixing the seat of examination in London, no injustice has been inflicted on those persons, such as the inhabitants of India, who have difficulty in coming there; for those persons having no antecedent right to serve might have been without injustice excluded altogether, and therefore *a fortiori* there has been no injustice in practically excluding them. The Government no doubt considered that in the present state of the empire its laws and orders would be more efficiently carried out by a European Civil Service, and they came to the conclusion that, competition not being a bad method of selection, a competition held in London would practically secure such a service intermixed here and there with a native of India, whose compulsory attendance in England would have rendered him qualified for the work for which he was wanted.

We think then that when the claims of the native press on the subject of employment under Government are analysed, it will be found that, however natural and plausible they may be, and however *expedient* it may be to give them due weight, they in fact amount to a claim to share in the work of Government;—a claim therefore which, if the governing body has any right to govern at all, it has a right to refuse without injustice or partiality.

It should not, it is true, be overlooked, that these claims or complaints of partiality serve a perfectly legitimate purpose in so far as they bring to the notice of the supreme governing

body or its superior agents the action of the subordinate agents. Thus, if a subordinate agent in India, as for instance the Director of Public Instruction, employs native agency to a less extent than the Secretary of State desires that it should be employed, the native press by acquainting that functionary with the fact is performing a part to which no possible objection, on the ground of principle, could be taken. But the objections of the native press go further than this. Stated in definite terms, their meaning is that it is an injustice, not only on the part of subordinate agents, but on the part of the Government as a whole, to prefer Europeans to natives on the ground of their race only; that in all cases in which their general intelligence and practical knowledge of the work required are equal, and the only difference is that one has the national characteristics of an European, and the other of a native, the latter ought to be as eligible as the former. We reply that such a principle, whether wrong or right, does not stop here; it strikes at the root of our government altogether. If some fifteen hundred thousand electors in England have a right to govern India, they have surely a right to entrust their power to agents of their own race, as far as they desire it, even though those agents are in other respects not more competent than persons of the subject race.

Let us then recapitulate briefly the view we take of the claims to equality and the complaints of our partiality, which are so constantly put forward by the native press. We urge, that as far as this inequality, or partiality bears on their position as subjects, it is justly open to censure, but that as far as it bears on their scanty employment in posts of authority, it is a necessary and legitimate consequence of our position in India, and in fact of the position of any government in any country, which is not elected by universal suffrage. We are also keeping clear, designedly, of the question of expediency; we are not arguing that the Government are following in every way the wisest course; we are not even admitting that they do in every kind of employment prefer Europeans to natives. On the contrary, many things show that there is a great tendency to encourage natives to prepare themselves for important and responsible situations under Government. There is a native Judge of the High Court, and Calcutta Small Cause Court; native members of the various Legislative Councils, and a native in the Civil Service. At the same time, efforts are being made to interest the natives more and more in the work of self-government by municipalities and committees, and to bestow on them a greater degree of independence and government. It must always be characteristic of

a wise, as well as of a generous, policy to make our rule, as much as possible, one of love and interest, and, as little as possible, one of fear; and one of the best, if not the very best, test of this is the extent to which we can avail ourselves of the services of the governed in the work of government. But this question of propriety and expediency must not be confused with that of justice and impartiality, for impartiality and justice only require that those servants should be engaged, on whom the employer conscientiously thinks that he can best rely to carry out his measures in their integrity, and to consolidate his influence and authority.

We cannot, however, forbear deviating from our rule of leaving the question of expediency undiscussed, in order to say a few words on the subject of the alleged grievance that there is no opening whatsoever for a military career to the upper classes of Hindustan. Such a deviation is perhaps the more excusable, because the reference to this subject in the native press of *Bengal* shows unquestionably that it is really felt as a hardship. That this press, the mouth piece of employés, should plead for an increase of employment is natural enough, but when the knights of the pen plead for an opening for their brethren of the sword, from which there is not much likelihood of their deriving any personal benefit, we feel that they prefer a claim which on the face of it is entitled to consideration. It cannot be controverted that some among the old aristocracy even in Bengal, and many more in the North-West and other parts of India, have a natural taste for a military career,—a taste in many respects deserving of encouragement,—and the suppression of which is perhaps the cause of no little of the indolence, vice, and effeminacy which are fast sapping the best blood in Hindustan. Certainly, the past history of the country shows us that the military genius of the general, and the martial courage and skill of the subordinate, are not alien to the Hindu or Mussulman. Our own immediate experience shows that even as common soldiers there are many tribes in India which hardly yield the palm to the best soldiers of Europe. Surely these qualities ought not to be wasted. Of course the proposal to open the military profession to native gentlemen is beset with difficulties, and it would probably be urged that regiments under native officers would be a source of weakness rather than of strength, but such objections ought hardly to be regarded as insuperable. India is not more homogeneous than the Austrian Empire, and Austria finds it practicable to hold Italy by the help of Hungarians, and Hungary by the help of Tyrolese. It would seem that a score of regiments, officered principally by natives and employed half in the different presidencies of India,

half in China, Ceylon, and other tropical stations, would probably be found of great use in supplementing the establishments of European troops in those very places in which they suffer most from sickness and the climate. In any event, whatever the difficulties of such a scheme may be, it must be regarded as a flaw in our administration of India, as long as that profession which, by the old tradition of the country, is regarded as the most honourable of all, is practically closed to all native gentlemen; as long as we drive them to the conclusion that, if they wish to be warriors, they must also be rebels.

Closely allied to the discontent at the disposal of patronage, which holds so prominent a place in the columns of the native press, is the similar discontent at their prospects which appears to be daily increasing among that class of persons who have been trained under our new educational system. A very superficial acquaintance with the native press is sufficient to satisfy any one, that there is a growing feeling of disappointment and dissatisfaction among the ex-students of the various schools and colleges which have been established all over the country during the last ten years. Nor is it difficult to discover the source of this discontent. The Government has been stimulating by a large bounty the supply of an article for which an inadequate demand existed, and the inadequacy of the demand is just beginning to be felt. The demand for educated persons consists of the employment which the courts of justice, the learned professions, offices of every description, public and private, and teacherships at the various educational establishments afford; the supply consists of all the educated young men who form the annual out-turn of the schools and colleges of Bengal. It is clear that the educational system\* would be working satisfactorily when there was a state of equilibrium between the supply and demand; it would be unsatisfactory were the supply to be greatly in excess of the demand, and were that supply to be stimulated by a large public bounty, it is evident that public money would be spent not only uselessly, but even detrimentally. In every civilized country, there is always a tendency to a swamping of the learned professions, and to an over-supply of educated labour. Moreover the general characteristic of the profits of educated labour is, that they are larger but are longer deferred, and require a greater outlay of capital before they can be realised. Now suppose in any country mental and educated

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\* Of course, we are here speaking of a higher class of education, not of that elementary education which it is desirable to extend to all classes of the community, whether they live by manual labour or not.



labour to be just as popular and no more so than physical and uneducated labour, it is evident that the relation between the profits of the two would be almost equal. If the profits of educated employment were greater than those of uneducated, they would be so to such a degree as to balance the greater outlay spent in preparation; but in most civilized communities mental and educated labour is more popular and more highly esteemed than uneducated labour. The consequence is that the greater esteem and popularity of the employment becomes part of the return for the outlay, and therefore the pecuniary return alone is less in proportion for educated than for uneducated labour. But in a country like India, how would these principles work when left to take their natural course? The love of sedentary occupation is so great, and the dislike of manual labour so universal, that it is easy to see that even were things left to themselves, the mental and sedentary occupations would be thronged, and their profits proportionately diminished, while manual labour of all kinds would be so depreciated that relatively large pecuniary emoluments would fall to the lot of those who betook themselves to them. If in England a curate who has spent a couple of thousand pounds on his education, receives about the same remuneration as a skilled artizan who has supported himself ever since he was fifteen years old, because the profession of the former is so much more esteemed and coveted than that of the latter; is it not certain that in India the operation of the same causes would soon enable a cooly to earn more than a mohurrir? Hitherto caste has tended to keep off this result by confining knowledge to a small portion of the community only, but now the ties of caste are being broken through, and at the same time a number of causes are conspiring together to aggravate the inequality. A new educational system has been lately introduced, which having been accepted by the country but gradually, has for a time limited to a great extent the supply. At the same time, the very introduction and expansion of this system has itself created an abnormal demand in the number of new appointments which have been created, and which, after having been once filled up, will for the future yield but a moderate percentage of vacancies. Consequently at the first start everything was favourable to the student, the competitors were few, the vacancies many, the expense of education in great part borne by the public. Numbers of men after hurrying through their educational course, succeeded at once to appointments, the income of which in a single year exceeded the entire sum they had expended on their tuition. No wonder

that in such a case an English education was looked on in the light of a gold mine, as an investment where the dividends were large and sure compared to the paid-up capital. Now, however, these prospects are greatly changed for the worse, and promise to go on deteriorating. Where there were formerly 50 English schools there are now 500, and where 250 before annually presented themselves for the University Entrance Examination, now 1,500 appear. On the other hand, while the supply has been more than quadrupled, the demand has greatly fallen; comparatively few new appointments are created, even the vacancies which occur are below the proper average, owing to the newly created posts having been filled by such young men at first starting. The profession of the law is already overstocked, those of medicine and civil engineering are being rapidly filled. It must be evident that the effect of the present system is to lead to a rapid deterioration in the prospects of educated persons owing to the supply being in excess of the demand, and this, we believe, is one of the reasons why the monopoly of so many government appointments by Europeans is looked on with such disfavour by the native press, though it must be evident that if every such appointment were thrown freely open, it would diminish the pressure but very little, and in a year or two the block would be as great as ever, and the discontent of the majority unalleviated.

It does, however, appear to be worthy of serious consideration, whether we are justified in aggravating the evil as we are now doing by paying so large a portion of the expenses of education from the public funds. It may have been and may still be a wise policy to create a class educated on the new system, but it appears very questionable whether a government subsidy is any longer justifiable, when the movement is thoroughly set on foot, and able to depend on its own resources. It is palpable that the effects of this subsidy is to lighten the expenses of education, and thereby enable a greater number of persons to avail themselves of it; this increase of numbers then operates to increase the supply, and thereby diminish the remuneration which educated men can command. It is true that to promote education is a most legitimate object for the expenditure of public money, but education is of two kinds, that of the farm labourer or mechanic, which will perhaps make him a better citizen, but will never bring him any tangible pecuniary return, and that of the lawyer or clergymen which forms his stock in trade for his future profession; it is obviously the former and not the latter class which is the proper recipient of government aid, the boy of the national school who is losing 3 shillings a

week by staying there after he is 12 years old, not the Etonian or Harrovian who, if he be not a man of independent means, intends afterwards to reimburse himself by entering into some learned profession.

Now, in India, this system is entirely reversed, not indeed by the fault of Government, but by the circumstances of the country. Of students who intend after learning to read and write to turn themselves to manual labour, there are perhaps none; those who learn with a view to making their learning pay, are 99 per cent. It may then be asked, is Government on this account to withdraw altogether from education, and make no efforts to introduce a system of elementary instruction among the working classes? Such a course would perhaps be hardly desirable, but it is perfectly clear that paying five-sixths of the expenditure of large colleges from the public funds does not have much effect in promoting elementary education among the lower classes, whereas it does contribute very much to encourage persons to become Masters of Arts at a tithe of the real cost which such an education involves, and then to consider that the Government is bound to provide them with lucrative employment, because it has already paid the greater part of the expenses of their tuition. Some steps should be taken to pay a great part of the expenses of an elementary education, withdrawing that support at the higher stages, at which it is obvious that the student is looking to his studies as the source of his future support; at present, on the contrary, we believe we are correct in asserting that the Government colleges are the least self-supporting of all the educational institutions of the country.

It may have been a real benefit to this country to stimulate in it a taste for European learning, as well as a wise policy to raise up a class whose interests and sympathies would be totally distinct from, and, in a certain sense, contrary to those of our old enemies in India, especially of the Mahommedans; and for this purpose the system of holding out high prizes to educated men, and of defraying from the public purse a very large proportion of the expenditure required to obtain those prizes may have been fully justifiable; but the taste being once infused, the Government should be careful not to continue their stimulating process too long or to carry it too far. The interests and sympathies of the newly-educated class, though different from those of many of their own countrymen, are certainly very far from identical with ours, as a perusal of the native papers is sufficient to shew; and if we force education to such an extent as to glut the market with the class of Entrance Certificate holders, and consequently bring ruin on their hopes and pros-

pects, we certainly shall not increase their already lukewarm attachment towards our rule.

We must now bring our comments on the native press to a conclusion; we have not, of course, endeavoured to exhaust such a subject, for this would have been impossible in a limited space; all we have attempted is to draw attention to some of the leading questions which are raised by the native papers; and, above all, to the very great prominence which they give to the subjects of European partiality and the want of prospects for educated natives.

- ART. V.—1. *The Indian Penal Code. (Acts XLV of 1860 and VI of 1861 of the Legislative Council of India.)*
2. *The Criminal Procedure Code. (Acts XXV of 1861, XXXIII of 1861, and VIII of 1866, of the Legislative Council of India.)* ¶
3. *The High Courts' Criminal Procedure Amendment Act. (Act XXIII of 1865 of the Legislative Council of India.)*
4. *Act XVII of 1862 of the Legislative Council of India.*
5. *The Indian Evidence Act. (Act II of 1855 of the Legislative Council of India.)*
6. *The Weekly Reporter. Appellate High Court (Calcutta). Vols. I to V. Criminal Rulings.*
7. *Act V of 1861 of the Legislative Council of India, being an Act for the Regulation of Police.*
8. *Archbold's Pleading and Evidence in Criminal Cases (Fifteenth edition, London, 1862.),*
9. *Roscoe's Digest of the Law of Evidence in Criminal Cases. (Sixth edition, London, 1862.)*
10. *A general view of the Criminal Law of England, by James Fitzjames Stephen, M. A. of the Inner Temple, Barrister-at-Law; Recorder of Newark-on-Trent. (London, 1862.)*
11. *Broom's Commentaries on the Common Law. Book IV. (Third edition, London, 1864.)*
12. *Russell on Crimes. (Fourth edition.)*
13. *Greaves' Criminal Acts. (Second edition, London, 1862.)*
14. *Blackstone's Commentaries.*
15. *Sir M. Foster's Discourse on Homicide.*
16. *Hawkins' Pleas of the Crown.*
17. *Alison's Criminal Law of Scotland.*
18. *Theory of Legislation, by Jeremy Bentham, translated from the French of Etienne Dumont by R. Hildreth. London, 1864.*
19. *Butler's Sermons VIII & IX.*

THE extreme importance of a knowledge of our criminal law will be admitted," says Mr. Broom, "by him, who reflects, however cursorily, on the well-known maxim—*Ignorantia juris quod quisque scire tenetur neminem excusat*,—a mistake in

“point of law which every person of discretion not only may, but is bound and presumed to know, affords in criminal cases no sort of defence.”\* And Mr. Justice Forster in the preface to his Reports, dated the 27th February 1762, impresses on *all persons* the importance of this knowledge in the following weighty language. “The learning touching this subject is a matter of great and universal concernment. It merits, for reasons too obvious to be enlarged on, the attention of every man living. For no rank, no elevation in life, and let me add no conduct how circumspect soever, ought to tempt a reasonable man to conclude that these enquiries do not, nor possibly can concern *him*. A moment’s cool reflection on the utter instability of human affairs, and the numberless unforeseen events which a day may bring forth, will be sufficient to guard any man conscious of his own infirmities against a delusion of this kind. Those, therefore, whose birth or fortune have happily placed them above the study of the law as a profession, will not be offended if I presume that discourses on these subjects in preference to every other branch of the law demand their attention.” With such high authority for regarding criminal law as a branch of *popular* knowledge in Great Britain, we think we need offer no apology for a popular discussion of the subject here in India, where so large a proportion of the European population are directly concerned in its administration. To those who occupy no official position connected with the Bar, the Bench or the Magistracy, it may however be important and must certainly be interesting to know in what respect the Indian system of criminal law, to which their residence in this country renders them subject, differs from that system which obtains in Great Britain and which Englishmen abroad are wont to regard as perfection, though Englishmen at home, as is their wont, grumble against it as against most things in the constitution. There is a very prevalent opinion that what is ancient is good, and that the excellence of the English system depends, in no slight degree, upon its antiquity. Like most popular notions this is a very erroneous one, for English criminal law consists, to a great extent, of statutes not fifty years old, and no inconsiderable portion of it is of recent date, being contemporary with or subsequent to the Indian Penal Code and Code of Criminal Procedure, which embody

\* Similarly the Penal Code, Section 76,—“Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact, and not by reason of a mistake of law, in good faith believes himself to be bound by law to do it,” or (Section 79) “justified by law in doing it.” Mistake of fact may excuse, but mistake of law will not.

the latest improvements made up to the period of their compilation in this branch of jurisprudence at home. The codification of the law, more especially of the criminal law, is a subject which has occupied considerable attention in England of late years, and the successful realization of the idea has formed and still forms the dream of many an eminent jurist. But while the idea has been realized for India, the greatest development it has reached at home may be seen in the six Consolidation Acts of 1861, which embrace but a portion of the whole subject; and the execution of which part of ~~the~~ <sup>it</sup> ~~avants~~ many of the necessary and distinguishing features of a "Code."

Criminal law deals with *crimes*. "A crime," says Mr. Broom, "consists in some act or combination of acts involving a violation of some right or an attempt to violate some right, aggravated by the use of force and violence tending to a breach of the peace, or by the existence in the mind of the criminal of a fraudulent or malicious intention." Mr. Justice Blackstone defines a crime thus,—“A crime or misdemeanour is an act committed or omitted in violation of a public law either forbidding or commanding it.” The definition of a "crime" given by the Revised Statutes of New York is "*any offence for which any criminal punishment may by law be inflicted.*" Mr. Stephen, doubtless following these authorities, defines a crime as 'an act of disobedience to a law, forbidden under pain of punishment'.

Similarly, Bentham thus defines the synonymous term "*offence*." "Offences are whatever the legislator has prohibited whether for good or bad reasons." If the provinces of law and morals were identical, transgressions of the law and of morality would be punished by the same code. But as we shall see in the course of this article, many acts which are not in themselves immoral, are transgressions of the criminal law, subjecting the doers thereof to punishment, while on the other hand the same criminal law will not interfere with other acts, which are the greatest violations of the code of morality.

The definition of an "*offence*" in the Penal Code is as follows:—"The word '*offence*' denotes a thing made punishable by this code." This of course is restricted to the use of the word in the Penal Code. If no other act than what is punishable under the Penal Code were to be regarded as an offence or crime in this country, the Penal Code would comprise the whole of Indian Criminal Law. But such is not the case, for Section 5 expressly reserves all *special* and *local* laws, which as subsequently defined are laws applicable to a particular subject or to a particular place only of British India. The laws relating to salt, opium, and the abkaree revenue are special laws

while the Calcutta Municipal Act would be a local law. The word "offence" as used in the Indian Penal Code does not include acts made punishable under these particular laws, though such acts are certainly *offences* against these supplementary portions of the criminal law of the country, inasmuch as they are forbidden under pain of punishment; accordingly the Commissioners remark as follows in their second report. "We do not advise the general repeal of the penal laws now existing in the territories for which we have recommended the enactment of the code . . . . . It appears to us that actions, which have been made penal on special temporary grounds, ought not to be included in a general Penal Code, intended to take its place among the permanent institutions of the country." We may here remark that the Indian Penal Code covers the whole or nearly the whole of the ground common to morality and criminal law, though it goes also considerably beyond those bounds. The offences created by special or local laws owe their existence more to utility than to morality.

One of the most remarkable features of distinction between Indian and English criminal law, as at present existing, is the *absence of all definitions of crimes* in the latter.\* "It might possibly be imagined," says Mr. Broom, "by one not conversant with criminal law, that some precise definitions could readily be given or some test be applied, whereby the more serious, *i. e.* indictable offences might be at once marked out and distinguished alike from minor infringements of the law and from actionable wrongs. It might, perhaps, be inferred, regard being had to the admitted importance of disseminating amongst the public a correct knowledge of criminal laws, that the means of acquiring without much difficulty such a knowledge would be placed within reach of all. But these reasonable expectations would certainly not under our existing system of criminal jurisprudence be realised. Not merely between specific offences, but between the leading classes and divisions thereof, the boundaries and limits are in our law but too often purely technical and artificial." It is to this absence of definitions, to this want of boundaries and limits and abutments (if we may so say), that much of the intricacy and objectionable technicality of English criminal law has been justly ascribed. In the whole of the English criminal statutes, there is hardly a single instance of a common law definition, or the statement in precise words

\* Treason, we believe, forms the only exception. This, as we shall see hereafter, is defined, though not completely, as the statute does not lay down what acts amount to "levying war."



of any principle. It was left entirely to the Judges to say what constituted this or that offence, and all the statute law did, was to fix the punishment. In the early days of our constitution there can be little doubt that such a system as this was fraught with danger;\* and it was well for the administration of justice in England, that our Judges after a long but successful struggle were removed from temptation by being allowed to hold their appointments not at the will of the Crown, but '*quamdiu se bene gesserint*.' "It is remarkable," says Lord Campbell,† "how few instances of poisoning or assassination occur in the history of England compared with that of France and of the States of Italy. The reason may be, that with us Parliament was a more ready and convenient instrument of vengeance than the bowl or the dagger, and the object of the ruling party could always be attained *under the forms of law*." Lord Campbell here speaks with special reference to attainder and the judicial powers of Parliament; but the trial of Sir Thomas More and others will shew how the same object could be attained under the forms of law in the court of King's Bench and elsewhere. Had the absence of definitions of offences and the *then* uncertainty of portions of the common law nothing to say to facilitating the perpetration of what have been so expressively termed judicial murders? At a later period when the Judges were made responsible to public opinion alone, they proceeded to settle the criminal law by a series of decisions, which as far as possible aimed at uniformity. At the present time the discretion of the Judges exists in name only, as far as the present subject is concerned, for the criminal law of England has become defined by a series of precedents on each particular branch. From these precedents, this case-law or Judge-made law, as it has been denominated, the definitions can indeed be gathered, but only by lawyers, so that the public

\* On the occasion of the famous dispute between Lord Ellesmere and Lord Coke as to whether the Court of Chancery could by perpetual injunction stay the judgment of a Court of Law, many of the Puisne Judges had taken part with Lord Coke, who was at the time too useful to be dismissed. But with respect to the Judges, Bacon gave the king (James I) the following advice: "To be plain with your Majesty, I do not think there is anything a greater *polychreston* or *ad multa utile* to your affairs, than upon a just and fit occasion to make some example against the presumption of a Judge in causes that concern your Majesty, whereby the whole body of those Magistrates may be contained the better in awe." He recommended that the Judges should answer it *on their knees* before His Majesty. Soon after the twelve did assume this posture. (See Campbell's *Lives of the Chancellors*, Vol II, pages 336 & 370.)

† *Lives of the Chancellors*, II, 245.

in general can have no competent knowledge of that which every one is bound to know. The law being settled, the task of framing definitions for each offence might seem comparatively easy. In fact those to whom we are indebted for the Indian Penal Code had their task in this respect considerably lightened by being able to refer to those very precedents, cases and decisions, in which English criminal law is embodied. Mr. Stephen remarks that definitions of crimes are made possible by the general uniformity of human actions. Possible, no doubt, but still the task must be a nice and a difficult one. The framers of the Penal Code derived material assistance from the employment of illustrations, which are most useful in those cases in which language, chosen ever so carefully, seems yet scarce to embody all that is required. The definitions of offences contained in the Penal Code, supplemented by those illustrations, would seem, after an experience of nearly five years, to have realized the expectation entertained by the Law Commissioners, and to have obviated those doubts which were honestly entertained by some.

Connected with the point we have just noticed, there is a remark which may here be opportunely made. The present system of criminal law in England has been the work of centuries, and of many minds. The rapid progress of the nation, and the great increase of wealth within the last two hundred years, called for many additions to and extensions of those early principles, which, simple enough in themselves, lie at the root of our common law. Statutes were thus passed hastily, to provide against specific offences, and Judges amplifying their jurisdiction, endeavoured to make old principles meet new cases. The structure was built up more with regard to existing wants and emergencies, than with a view to complete uniformity and symmetry; and may not inaptly be compared to some old building of the Elizabethan era, which has, from time to time, been altered and enlarged, and added to in various styles of architecture to meet the requirements of modern convenience or modern taste. The Indian edifice, on the other hand, has been erected at once on a standard plan, which however owes all to the experiences of those who at various periods up to the present day put their hands to the construction of the grand old building at home. Not among the least of the benefits derived by India from England is that body of criminal law, the compilation of which has cost us so many years, and so many great minds, and so many struggles, and not a little blood-shed.

Another point of distinction between the two systems under notice is the absence of the division of offences in India into

*felonies* and *misdemeanours*. Treason, we may remark, was a separate offence not included under either of the above heads. The term "*Felony*" is according to Spelman derived from *fee*, a fief, and *lon*, price or value : it signified in former times the forfeiture of the tenant's land to the lord of the fee, which was a necessary consequence of the dissolution by certain acts of that compact between the two parties which formed the essence of the feudal system. It hence came to stand for the acts which entailed these consequences, and when the feudal law was introduced into England, those crimes which entailed forfeiture of lands and goods were called felonies. Blackstone's definition of a felony is "an offence which occasions a total forfeiture of either lands or goods or both at the common law; and to which capital or other punishment may be superadded according to the degree of guilt." At the present day, a conviction for felony carries with it *ipso facto* a forfeiture of the property of the felon. A "*misdemeanour*" is any offence which is neither a treason nor a felony. The distinction between felonies and misdemeanours is now admitted on all hands to be arbitrary and useless. Mr. Stephen remarks that it comes very near to the ancient and nearly universal distinction between crimes and delicts or torts, *i. e.* wrongs done to the public and wrongs done to private individuals, which latter, as shown by Mr. Maine in his work on Ancient Law, alone formed the subject of the penal law of ancient communities. For this class of offences the remedy under Roman Law was by a civil action, and Mr. Stephen shows by the different form of the juror's oath on a trial for felony and that for misdemeanour, that the idea is still kept up. In fact the question—What is a misdemeanour at common law? hardly admits, says he, of any better answer than that it is a tort prosecuted by the Crown. The law of misdemeanour shows still more than the law of treason and felony, how dangerous might have become the practice of leaving it to the courts to say what acts constituted an offence. The court of King's Bench claimed at one time a power of calling any act a misdemeanour, if in the opinion of this tribunal as "*custos morum*" it violated the standard of morality set up by the Judges for the time being. Public opinion, and other causes well known to the student of English history, kept this assumed prerogative from ever going beyond limits good for the community, but had these checks not existed, it is easy to see how injurious this prerogative might have become. In fact the odious Star Chamber sought to exercise a similar power in a way dangerous to liberty. Here in India we have seen something of a similar kind. How beneficial has been the introduction of a regular

Criminal Code, instead of those "General Regulations" under which, quoted thus generally, a man could have been subjected to almost any punishment for almost any act. Had English rule in India been of the nature of that of Roman proconsuls and pro-prætors in distant provinces, what oppression might have been perpetrated under the assumed sanction of the General Regulations!

The most important distinctions between felonies and misdemeanours at the present day are given thus by Mr. Stephen; 1st, Felony involves forfeiture, and misdemeanour does not. 2nd, The facilities for arresting a felon are greater than those for arresting a misdemeanant. 3rd, The mode of trial for felonies and misdemeanours differs in many particulars. Felons, for instance, must in general be tried upon an *indictment* or *inquisition*, misdemeanants may be proceeded against by *information*. In addition to these distinctions, we may mention that no civil action lies for a wrong which constitutes a felony, until the injured party have taken steps to vindicate public justice by bringing the felon to punishment. If the wrong done only amount to a misdemeanour, no such preliminary prosecution is necessary. Although the division of offences into felonies and misdemeanours does not obtain in Indian criminal law, there are not wanting certain distinctions which evidently spring from similar sources. Act XXV of 1861 lays down a different form of procedure in the case of offences punishable with imprisonment not exceeding six months, and those punishable with a longer term of imprisonment. Most of those minor offences, which concern individuals only, will be found included in the former class, and we shall see hereafter that the procedure in these cases in many ways approaches the nature of a civil trial. We have also in Sections 213 and 214 of the Penal Code, and the Exception appended thereto, a distinction drawn between offences which consist only of an *act* irrespective of the *intention* of the offender, and for which act the person injured may bring a civil action, and those offences in which intention is an essential ingredient in the crime. Mr. Mayne remarks\* that this exception is not so clear as might be wished. He seems however to have in some respect missed the meaning of the words. He remarks "it can hardly be said of any act that "it is an offence irrespective of the intention of the offender. To "take the case of an assault, which is employed in the illustration, "the very definition of the term in Section 351 makes the "offence depend upon the intention." Certainly no act can in

general take place without an intention, and an assault could not take place without an intention on the part of the offender to commit the act constituting an assault. But it is the act alone that is the offence in the eye of the law, and not the act *plus* an intention existing independently of the act. To take for instance the example of criminal trespass. The mere *act* of entering into or upon property in the possession of another is no offence. It is this act *plus* the intent to commit an offence, or to intimidate, insult or annoy, that constitutes the offence punishable under the Penal Code. Take also the example of theft. The act therein is *moving* the property. Now there must be an intention to move, or the person moving could not do this act, but it is not this intention that together with the act makes up the notion of "theft." It is another intention, *viz.* the intention to take dishonestly. The intention therefore referred to in the exception above quoted is clearly an *intention dehors the act*, and the offences, the compounding of which is punishable, are those which consist of an act not the subject of a civil action *plus* an intention, while those offences which may be compounded with impunity consist *merely* of an act for which the person injured may bring a civil action, *i.e.* a *tort*. The law has constituted many torts offences, *i.e.* has affixed the sanction of punishment to what is merely a civil wrong; but, to reason with Bentham, although, whether a man commits an act knowingly and willingly or unwillingly and undesignedly, the immediate evil is exactly the same, yet the alarm which results is very different. We regard him who has done an evil with knowledge and *design* as a bad and dangerous man. It is the intention that alarms the public and renders the act one which on their account must be punished, although without this intention the immediate evil might only concern an individual.

"The world in general," says Mr. Taylor,\* "regarded Mr. Bentham as a gentleman who delighted in paradox and wrote bad English, while in the judgment of even the "discerning few, this great apostle of judicial reform ranked "little higher than an ingenious theorist. But truth, though "long discountenanced, will at length prevail; and thus "by little and little, Mr. Bentham's opinions were at first canvassed, then recognized as correct, and finally in a great measure "adopted by the legislature." These remarks were made with reference to Mr. Bentham's work on Evidence, but apply with equal force to his Principles of the Penal Code. Bentham classifies offences under the following heads—

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\* On Evidence, Vol. II.

1st.—*Private Offences.* Those which are injurious to such or such assignable individuals other than the delinquent himself.

2nd.—*Reflective Offences or Offences against One's Self.* Those by which the delinquent injures no body. but himself; or if he injures others, it is only in consequence of the injury done to himself.

3rd.—*Semi-Public Offences.* Those which affect a portion of the community, a district, a particular corporation, a religious sect, a commercial company, or any association of individuals united by some common interest, but forming a circle inferior in extent to that of the community.

4th.—*Public Offences.* Those which produce some common danger to all the members of the State or to an indefinite number of non-assignable individuals, although it does not appear that any one in particular is more likely to suffer than any other.

With respect to the second class, Bentham remarks,—“ Offences against one's self are, properly speaking, vices and imprudences. It is useful to classify them, not in order to subject them to legislative severity, but rather to remind the legislator by a single word that such or such an action is beyond his sphere.” There remain therefore three classes, *viz.* I. Private offences, II. Semi-Public offences, III. Public offences, which are the proper subject of legislation. Bentham subdivides these classes, and, in the subdivisions, (whether it happened by design or chance,) we find almost the very heads under which offences have been classified in the Indian Penal Code. We place the two systems of classification before the reader.

BENTHAM.

I. *Private Offences.*

1. Offences against the Person.

2. Offences against Property.

3. Offences against Reputation.

4. Offences against the condition, *i. e.* against domestic or civil relations, such as the relation of father and child, husband and wife, master and servant, citizen and magistrate, &c.

THE INDIAN PENAL CODE.

Offences affecting the Human Body, Chapter XVI.

Offences against Property, Chapter XVII.

Defamation, Chapter XXI.

The Criminal Breach of Contract of Servants, Chapter XIX.

Offences relating to Marriage, Chapter XX.

Offences by or relating to Public Servants, Chapter IX.

Contempts of the lawful authority of Public Servants, Chapter X.

|   |   |
|---|---|
| II. <i>Semi-public Offences.</i><br>(See definition above, and post.) | { Offences affecting the Public Health, Safety, Convenience, Decency and Morals, Chapter XIV.   |
| III. <i>Public Offences.</i>  |   |
| 1. Offences against external Security.                                | { Offences against the State, Chapter VI, Sections 125-6-7.   |
| 2 & 3. Offences against Justice and the Police.                       | { False Evidence and Offences against Public Justice, Chapter XI.   |
| 4. Offences against the Public Force.                                 | { Offences relating to the Army and Navy, Chapter VII.  |
| 5. Offences against the Public Treasure.                              | { Offences relating to Coin and Government Stamps, Chapter XII.   |
| 6. Offences against Population.                                       | { Of the causing of Miscarriage, of Injuries to unborn Children, of the Exposure of Infants, and of the Concealment of Births, Chapter XVI, Part 2. |
| 7. Offences against National Wealth.                                  | { Offences relating to Weighing and Measuring, Chapter XIII; and Offences relating to Documents and to Trade or Property-marks, Chapter XVIII.      |
| 8. Offences against the Sovereignty.                                  | { Offences against the State, Chapter VI. except Sections 125-67 (see above;) Offences against the Public Tranquility, Chapter VIII.                |
| 9. Offences against Religion.   | { Offences relating to Religion, Chapter XV.  |

In the order in which the different classes of offences are placed, and in one or two points of sub-division, the classification of the Penal Code differs from that of Bentham, but on the whole it is impossible not to be struck with the general coincidence of the two divisions. Following the order of the above table, we shall now compare the treatment of certain of the most important offences under the systems between which we have undertaken to institute a comparison.

*Offences against the Person.*—Of these the most important is that which involves the taking away of the life of a human being. If a man possessed of ordinary reason were told that, if

A went out to shoot and steal a fowl and in doing so killed a person who was lying behind a bush in front of which the fowl was standing when fired at, A could be hanged, though he had not the slightest idea that any person was behind the bush, or the most remote intention of injuring a hair of the dead man's head, we think he would be very much shocked indeed. Yet A could be hanged in England, but, in India, though he might be punished for the death of the *mogghi* which he had intended, he could not be punished for the death of the man which he had not intended and could not even have supposed probable. To a layman there would be little doubt which is consonant with justice. The rule of English law is, that a felonious purpose, though it be wholly unconnected with any design to occasion death, yet constitutes, in conjunction with an *accidental* killing, the crime of *wilful* murder. This is an application to criminal law of the principle admitted in civil jurisprudence that every one who does an unlawful act is considered as the doer of all that follows.\* But surely there is a wide difference between holding a man responsible in damages for the consequences of an act culpable in some respects, but, when committed, not intended,† or not in all probability likely to involve another kind of culpability, which an arbitrary rule of law attaches to it.

This is however only a single instance of the difficulties resulting from the law of murder being left to the Judges, to be *made* from time to time, and from cases differing in circumstance and detail, instead of endeavouring to define popularly and intelligibly what shall constitute the offences of murder and manslaughter even though the definitions had to be altered and improved from time to time. "In a prosecution for murder," says Mr. Broom, "which is alleged in the indictment to have been committed of '*malice aforethought*,' it is not essential to shew "that the prisoner had any enmity to the deceased, nor would "proof of the absence of ill will furnish the accused with any "defence, provided that the charge against him were established "in other respects." It was *very* necessary to preface this exposition of the law by the remark that "the legal import of the term *malice* differs indeed somewhat from its acceptation in common

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\* See Smith's *Leading Cases*, Vol. 1, page 406.

† "It is a principle of natural justice," said Lord Kenyon in *Fowler vs. Padget*, 7. T. R. 514, "that the *intent* and the *act* must concur to constitute crime; *actus non facit reum nisi mens sit rea*: but with reference to civil liability, where the act occasioning an injury is unlawful, the intention of the wrong doer is, as we have just seen, immaterial." (See Warren's *Law Studies*, Vol. II, page 826.)



conversation." It would be difficult to apply this doctrine of "malice aforethought" in common conversation to the case we have above instanced of the man killed by the shot fired at the fowl. The ingredient of *malice* is what distinguishes murder, from 'manslaughter.' Malice is of two kinds, viz. *malice in fact* or *express malice*; and *malice in law*, or *implied malice*. Express malice is where one kills another with deliberate mind and formed design, as if a man without provocation strike another man with a murderous weapon or administer poison to him. There is no difficulty in this, but implied malice is not so easy to comprehend in its application. It is malice inferred or presumed by law from any deliberately cruel act.

"Malice in its legal sense," said Mr. Justice Jittledale, "denotes a wrongful act done intentionally without just cause or excuse." Foster describes malice, in general, "as a wicked, perverse, and incorrigible disposition emanating from a heart regardless of social duty, and fatally bent upon mischief." "Malice," said Lord Campbell, "in the legal acceptance of the term is not confined to personal spite against individuals, but consists in a *conscious violation of the law to the prejudice of another.*" Lord Tenterden said, "I take it to be a general rule that an act unlawful in itself and injurious to another is considered in both law and reason to be done *malo animo* toward the person injured." Mr. Baron Bayley said, "If I give a perfect stranger a blow likely to produce death, I do it of *malice*, because I do it *intentionally and without just cause or excuse*. If I maim cattle without knowing whose they are, if I poison a fishery, it is a wrongful act and done intentionally. If I am arraigned for felony and wilfully stand mute, I am said to do it of *malice*, because it is intentional and without just cause or excuse; and if I traduce a man, whether I know him or not, and whether I intend to do him an injury or not, I apprehend the law considers it as done of malice, because it is wrongful and intentional. It equally works an injury whether I meant to produce an injury or not; and if I have no legal excuse for the slander, why is he not to have a remedy against me for the injury it produces?" It will be quite evident that the above expositions of the meaning of the term *malice* are only in fact illustrations of its import. Not one of them approaches the character of a *definition*, if we apply Whately's test of what is a just definition and make malice the subject, and any of these descriptions the predicate of a proposition: for the subject and predicate will not be convertible terms. Though the idea contained in the expression *malice* may be very well imagined within certain wide regions of thought, it has hitherto never been attempted to confine it

within the limits of a definition. In fact as Mr. Stephen curtly puts it,—“Thus stated in plain words, the doctrine of implied malice amounted to a device, by which the Judges were able from time to time to declare any case of homicide, in which they thought the criminal ought to be hung, a capital crime. Malice is derived from *malitia*, wickedness, and the use of the word had thus a tacit reference to the standard of morality established in the nation. It would not seem very difficult with reference to this standard to define in what instances the act of killing shall be considered wilful murder. We shall show hereafter with what success the framers of the Indian Penal Code have endeavoured to accomplish the task. Before coming to this portion of the subject however, it will be necessary to notice the further divisions of such homicides as do not fall within the category of *murder*, which in accordance with the above principles has been defined by Lord Coke as follows: “where “a person of sound memory and discretion unlawfully killeth any “reasonable creature in being, and under the King’s peace with “*malice aforethought, either express or implied.*”

“*Manslaughter*,” says Mr. Roscoe, “is principally distinguishable from *murder* in this, that though the act which occasions the death is unlawful, or likely to be attended with bodily mischief, yet *the malice either express or implied which is the very essence of murder* is presumed to be wanting in manslaughter, the act being rather imputed to the infirmity of human nature.” Manslaughter is divided by Mr. Archbold into two kinds; 1st, ‘involuntary manslaughter,’ where a man, doing an *unlawful\* act not amounting to felony*, by accident kills another; or where a man by *culpable neglect of a duty imposed upon him* is the cause of the death of another; and it may be stated generally that that which constitutes murder being done by design and of malice prepense in the eye of the law, constitutes manslaughter when arising from culpable negligence; 2nd, ‘voluntary manslaughter,’ where upon a sudden quarrel, two persons fight and one of them kills the other: or where a man greatly provokes another by some personal violence, and the other immediately kills him. Both murder and manslaughter are felonies.

Non-felonious homicides are divided by Mr. Roscoe into 1st,—Justifiable homicide; 2nd,—Excusable homicide; and 3rd,—Homicide by misadventure.

*Justifiable homicide* is again subdivided by Mr. Archbold into three kinds— 1st,—Where the proper officer executes a criminal in

\* The stealing of the fowl in the case given above would have been felony.

strict conformity with his sentence; *2nd*,—Where an officer of justice or other person acting in his aid, in the legal exercise of a particular duty, kills a person who resists or prevents him from executing it; *3rd*,—Where the homicide is committed in prevention of a forcible and atrocious crime, as for instance, if a man attempt to rob or murder another and be killed in the attempt, the slayer shall be acquitted and discharged.

*Excusable homicide* is where the party killing is not altogether free from blame, but the necessity which renders it excusable may be said to be partly induced by his own act. This is "Mr. Roscoe's definition, but Mr. Archbold divides excusable homicide into *1st*,—homicide by misadventure; and *2nd*,—where a man kills another upon a sudden encounter merely in his own defence or in defence of his wife, child, parent, or servant, and not from any vindictive feeling, which is termed homicide *se defendendo*.

*Homicide by misadventure* is where a man doing a lawful act without any intention of bodily harm, and after using proper precautions to prevent danger, unfortunately kills another person.

A careful examination of the cases given in the text books, will show how nice are the distinctions between the portions of this classification, and, in many instances, 'what thin partitions' divide one species of the offence from another.

Let us now examine the definitions of the Penal Code. "*Culpable homicide*," which includes both *murder* and *manslaughter*, is thus defined:—

"Whoever causes death by doing an act

*1st*,—with the intention of causing death, or

*2nd*,—with the intention of causing such bodily injury as is likely to cause death, or

*3rd*,—with the knowledge that he is likely by such act to cause death,

commits the offence of *culpable homicide*."

Culpable homicide then corresponds to felonious homicide as near as may be, and is subdivided into (1) Culpable homicide amounting to murder; and (2) Culpable homicide *not* amounting to murder. This division resembles that under English law into murder and manslaughter;—resembles, we say, for the limits of both subdivisions are by no means conterminous. Culpable homicide amounting to murder is thus defined—"Except in the cases hereinafter excepted, culpable homicide is murder,

\* *1st*,—If the act by which the death is caused is done with the intention of causing death,\* or

" 2nd,—If it is done with the intention of causing such bodily injury as the offender knows to be *likely*\* to cause the death of the person to whom the harm is caused, or

" 3rd,—If it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or

" 4th,—If the person committing the act knows that it is so *imminently dangerous* that it must in *all probability*† cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid."

The cases excepted are—

" 1st.—When the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident, such provocation not having been sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person, nor given by anything done in obedience to the law or by a public servant in the lawful exercise of his powers, nor by anything done in the lawful exercise of the right of private defence.

" 2nd.—When the offender in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law, and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

" 3rd.—When the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he in good faith believes to be lawful and necessary for the due discharge of his duty, and without ill will towards the person whose death is caused. .

" 4th.—When it ( the culpable homicide ) is committed without premeditation, in a sudden fight, in the heat of passion; upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner."

" 5th.—When the person, whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent."

It would have been impossible for original ability of the highest order to have framed the above exhaustive definitions, had there been in existence no system of criminal law tested

\* Actual malice.

† Implied malice.

by the experience of an enlightened and civilized nation. The authors of the Penal Code found their materials ready at hand in such a system existing in England. With what consummate skill they employed those materials, none can judge better than those who are conversant with that system, and while justly proud of its excellence as a corner-stone of the British constitution, have yet sufficient liberality and breadth of sentiment to see in their proper light those niceties, technicalities, and imperfections which have been the necessary result of piecemeal construction, and the inseparable concomitants of those experiences, which have adapted old and sound fundamental principles to a new state of things and to a civilization which far transcends the utopian dreams of those ancient sages, who had to deal with a state of society so much more simple, so much less highly organized, and so much less artificial than that which the discoveries of science have called into being. In raising a new edifice, it was indeed possible to benefit by those experiences of the past, and to avoid the proved or admitted imperfections of the old plan, and this is what the framers of the Penal Code have carefully and skilfully done, showing that it is practicable for England to codify her criminal law, and to collect all its excellencies in a small space, and in popular phraseology, from the undigested mass of precedents, cases, statutes, treatises, and text books, wherein they now lie scattered, like a goodly harvest through the fields waiting to be gathered into the granary.

To demonstrate effectually that the definitions of "culpable homicide" and of "murder" in the Penal Code contain all the choice parts of English substantive law on the same subject, would necessitate a notice of many precedents, cases, and arguments which would be impossible within the limits of the present article. Something of the subject may however be gathered from what we have already said on the question of *malice*. In order to illustrate the fact still further, and moreover to show that the Indian definitions exclude many imperfections of the English system, though about these same there be differences of opinion, we shall notice one or two other points of distinction. And first it is a rule of English criminal law, that where death is caused by negligence *without malice*, the person guilty of such negligence shall be indictable for manslaughter. The ordinary instances are where a person unacquainted with the effect of a powerful medicine or drug administers it to another; or where a person rashly and imprudently presents a gun at another and draws the trigger, not supposing it to be loaded when it is in truth loaded, and death results. In a case of this sort Mr. Baron Bayley said—"I consider that *rashness* will be sufficient to make it manslaughter. As for

instance, if I have the toothache and a person undertakes to cure it by administering laudanum, and says "I have no notion how much will be sufficient" and gives me a cup full which immediately kills me, such person acting with rashness will in my opinion be guilty of manslaughter." Now, under the Penal Code, those persons would not be guilty of culpable homicide for the *rashness* of the act merely, unless they knew that by such act they were *likely* to cause death. Mr. Mayne remarks\* on the omission, and suggests that it may be a case of a crime overlooked, and therefore punishable under the old criminal law. We do not however think so, and applying the maxim "*actus non facit reum, nisi mens sit rea*," it was not, we believe, the intention of the framers of the code to punish as culpable homicide the result of mere rashness or negligence. Such a case is sufficiently met by the provisions of Sections 336-7-8. If the person doing the act was aware that he was likely to cause hurt or grievous hurt, the punishment is greater than for a rash or negligent act done without the knowledge that these results were likely to ensue. Though the offender is nominally tried for manslaughter in England, we doubt if the sentence in case of conviction ever exceeds the maximum allowed by these Sections.

Under English law the neglect of a personal duty, when death ensues as the consequence of such neglect, renders the guilty party liable to an indictment for manslaughter. The neglect must however be personal, and the death must be the immediate result of that personal neglect. Trustees appointed to repair roads under a local Act are not chargeable with manslaughter, if a person is accidentally killed in consequence of the road being out of repair, through neglect of the trustees to contract for its due reparation. A case might well be imagined in which under this rule a person might escape, though he knew that his omission would be likely to cause death. The Penal Code would however meet such a case, for acts include *illegal* omissions, and the word "illegal" is applicable to everything which is an offence, or which is prohibited by law, or *which furnishes ground for a civil action*.

The law of self-defence, as set forth in the Penal Code, shows with what success the most difficult portions of the English criminal-law may be codified. Mr. Mayne finds fault with it in one respect. "While the fear of death, hurt, or wrongful restraint, which causes theft to grow to robbery, continues," says he, "the offender may be killed, but when he takes to his heels with the booty, the robbery is over, and the right of defence is reduced to

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\* Commentaries on the Penal Code.

"what would have been admissible against a pick-pocket. This seems, as a mere matter of public policy, to be a grave error, and is certainly opposed to English law, which would allow a man to fire upon a highwayman while he was galloping away." If an argument from the utility of the case be of any avail, we might remark that when highway robbery was a common and a capital crime in a less organized state of society, the policy of the law could well be understood. But neither in England nor in India does there now exist a reason for maintaining or adopting such a rule.\*

Under English law, if two persons deliberately fight a duel and one of them be killed, the other and his second will be guilty of murder. This severe rule had doubtless much to say to putting duelling out of fashion. The effect of the fifth Exception to murder under the Penal Code will be however to reduce the offence in India to culpable homicide not amounting to murder. Under both English and Indian law, even the fear of death caused by threats will not be a sufficient excuse for committing murder. The Penal Code, unlike English law, extends the same rule to offences against the State. Provocation by *words or gestures* alone, will not, under the law of England, France, and America, be sufficient to reduce the crime of killing intentionally or with a deadly weapon to manslaughter. The framers of the Code, greatly doubting whether any good reason can be assigned for this distinction, have put words and gestures on the same footing as any other provocation. "It is an indisputable fact," they say, "that gross insults by word or gesture have as great a tendency to move many persons to violent passion as

\* Connected with the law of the Right of Private Defence, though touching on another point, we may notice the case of *Durwan Geer* recently decided by the Calcutta High Court. The prisoner, alarmed by a boy living in the same house, came and found a burglar in the act of coming through a hole in the wall and entangled in the hole. He seized the burglar; a struggle ensued, and fearing escape, as he said, he called to the boy to bring a *kodalee* that was near, intending, as he admitted, to kill the burglar, and he accordingly did so. Two out of three Judges held that they were bound to convict for "murder" under the Penal Code. The third Judge held it only culpable homicide not amounting to murder, and his arguments appeared to have great weight. It would be impossible to give any correct opinion without seeing the depositions, but the case seemed well within the second Exception to Section 300, and stronger than the Illustration to this Exception. The prisoner's admission that he *intended to kill* the burglar doubtless told against him, but a similar intention is inferrible from A drawing the trigger of the pistol to shoot Z, yet A only committed culpable homicide. Cases like this test the definitions of the Code. The prisoner could not have been convicted of murder under English law. See *Roscoe*, pages 711 and 712. *Archbold*, pages 546-47.

“ dangerous or painful bodily injuries. Nor does it appear to us that passion excited by insult is entitled to less indulgence than passion excited by pain.” We quite agree with the Commissioners, more especially having regard to the vituperative capabilities of some of the languages of India.

Under the 88th Section of the code no act is an offence, which, not being intended to cause death, is done in good faith for the benefit of a person *with that person's consent*. The illustration is as follows:—“ A surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death, and intending in good faith Z's benefit, performs that operation on Z *with Z's consent*. A has committed no offence.” Mr. Mayne in his note to this Section remarks,—“ Even where no actual consent could possibly have been given, as in the case of a patient, who had not been informed of the necessity of any operation, and who was suddenly given chloroform, I have no doubt but that the mere fact of his having placed himself under medical care carried with it an implied consent to do everything necessary and proper for a cure.” Further on, he says,—“ A more difficult case would be where the party expressly withheld his consent, though the act were admitted to be for his benefit, and for the sole purpose of saving his life. Such a case might possibly arise where a timid patient could not nerve himself to undergo an operation however necessary. Such a case is not provided for by this Act, and, should it arise, the surgeon, if he wished to be absolutely safe against subsequent charges, would be compelled to leave the sufferer to his fate. Of course, if such a charge *were* brought, the punishment could be no more than nominal.” We cannot concur with the commentator in the last portion of the above extract. We agree with Bentham, who says,—“ The case is very different, if a man, master of his faculties and able to consent, thinks proper to refuse it. Shall we give his friends or physicians the right to force an operation, which he declines ? This would be to substitute a certain evil for a danger almost imaginary. Distrust and terror would watch by the sick man's bed. If a physician through humanity goes beyond his right, and the experiment turns out unfavourably, he ought to be exposed to the rigour of the laws, and his intention at most should only serve as an extenuation of his offence.” From their making no exception in favour of this particular case, it would appear that the framers of the Code were of the same mind as Bentham. The text books do not furnish any parallel case in English law, and would scarcely seem to contemplate the performing of dangerous surgical operations without the consent of the patient.



Under English procedure, the burden of proving any of the exceptions which will reduce the crime of murder to manslaughter will fall on the accused person. "The general result of the use of the word malice (in an indictment, *i.e.*)," says Mr. Stephen, "and of the doctrine that malice is an essential element of crime is to throw upon persons, who commit acts of a particular class, the burden of proving that they were not done under the circumstances contemplated by the legislature, but at the same time to permit them to give evidence to that effect." Similarly Mr. Taylor; "On a charge of murder, malice is presumed from the fact of killing unaccompanied by circumstances of extenuation; and the burthen of disproving the malice is thrown upon the accused."\* In Indian law this is considerably modified, at least as far as the facts contained in the five exceptions under the definition of murder are concerned, for, under the provisions of the Criminal Procedure Code, the existence of the circumstances constituting these exceptions must be denied most distinctly in the charge;† and according to the usual rule, negative averments must be proved by the prosecutor, unless the subject thereof relates personally to the defendant, or is peculiarly within his knowledge. This and the fact of his witnesses being produced at the trial and remunerated for their attendance by Government, gives a prisoner, charged with the crime of murder in this country, a much better chance of establishing his innocence than he has in England.

With respect to *attempts* to commit murder, "it seems hardly credible," says Mr. Stephen, "but it is nevertheless true, that up to the year 1861, an attempt to commit murder was as such only a common law misdemeanour, punishable with a maximum of 'two years' imprisonment and hard labour." The offence is however adequately provided for by Section 307 of the Penal Code. It has been subsequently legislated for in England by 24 and 25 Vict. Cap. 100.

If two persons mutually agree to commit suicide together, and accordingly take poison or attempt to drown themselves together, but only one of them dies, the survivor is guilty of *murder* under English law, and could be hanged. "That this is a hard case," says Mr. Stephen, "is apparent from the fact that in practice no one would be executed for such an offence. Suicide may be

\* Work on Evidence, Vol I, p. 127.

† See form of a charge for murder prescribed by the Calcutta High Court. III. *Weekly Reporter*, Criminal Letters, page 7.

"wicked\* and is certainly injurious to society, but it is so in a much less degree than murder. The injury to the person killed can neither be estimated nor taken into account. The injury to the survivor is generally small." Applying also Bentham's test, the offence creates little or no alarm. The Penal Code has made a great improvement on English law by reducing the punishment for this offence, except in the case where suicide by a minor or insane person is abetted.

We shall notice a few other offences against the person; and first with respect to rape. Where a prisoner got into a woman's bed at night, and pretending to be her husband had connection with her, the woman being a consenting party under the idea that he was in fact her husband, eight Judges out of twelve held that the offence was not rape, and the Court of Criminal Appeal subsequently upheld the decision. The definition in the Penal Code most properly however includes such a case within the category of rape. Touching the same subject, we may remark that under the code, if a girl between the ages of ten and twelve years consent, there will be no offence. Under English law the consent in this case only reduces the crime from felony to misdemeanour.

The definition of "assault" in the code corresponds closely to the idea of this offence in English law. It might be objected that the 'present ability'† to use criminal force is not sufficiently set forth in the definition, but it may be contended in reply, that Z cannot *reasonably* believe

\* Archbishop Whately has in his work on Logic well pointed out the fallacy that lies in the popular conception of the sin of suicide from its being termed *self-murder*. The Poet Blair has beautifully expressed the same idea.

Our time is fixed : and all our days are numbered,  
How long, how short, we know not : this we know,  
Duty requires we calmly wait the summons,  
Nor dare to stir till heaven shall give permission,  
Like sentries that must keep their destin'd stand,  
And wait th' appointed hour, till they're relieved.  
Those only are the Brave, who keep their ground,  
And keep it to the last. To run away  
Is but a coward's trick : to run away  
From this World's ills, that at the very worst  
Will soon blow o'er, thinking to mend ourselves .  
By boldly venturing on a World unknown,  
And plunging headlong in the dark ! Tis mad :  
No Frenzy half so desperate as this.

† See Addison on Torts, page 482, and Broom's Commentaries, page 925, the illustrations of which latter passage correspond almost exactly to those of the Penal Code.

that A is likely to strike him, if A is not near enough to do so. "Criminal Force" corresponds to "Battery" in English law, and is certainly a far more appropriate term. "Grievous Hurt" probably derived its appellation from the 'grievous bodily harm' of English law, and possibly the definition of this offence may have been in some way suggested by *Mayhem*, which was the deprivation or injury of any member of the body which is available for fighting, such as a leg, an arm, an eye, or a front tooth (though not a jaw tooth!), or otherwise injuring a person, corporally in such a manner as to diminish his power of fighting or defending himself. The framers of the code have however considerably improved on the idea, besides modernizing it by substituting capability to labour for capability to fight.\*

*Offences against Property.*—"Theft" in Indian law corresponds to "Larceny"† in English law, though, as we shall see, by no means exactly. According to Bracton.—"*Furtum est tractatio rei alienæ fraudulenta, animo furandi, invito illo cujus illa res fuerit.*" Mr. Roscoe points out how he copied this \*(as he did most of his law) from the Roman Code, and in doing so mistook a civil trespass for a crime. Bracton's definition was however adopted into English jurisprudence. In East's Pleas of the Crown larceny is defined to be "the wrongful or fraudulent taking and carrying away by one person of the mere personal goods of another with a felonious intent to convey them to his (the taker's) use, and make them his own property without the consent of the owner." Eyre C. B. defined larceny as "the wrongful taking of goods with intent to spoil the owner of them *lucri causâ*." Blackstone says,—"The taking must be felonious, that is, done *animo furandi*, or, as the civil law expresses it *lucri causâ*." Mr. Roscoe remarks that "the point arrived at by these two expressions, *animo furandi* and *lucri causâ*, seems to be this, that the goods must be taken into the possession of the thief with the intention of depriving the owner of the property in them;" and he further urges the necessity of a clear appreciation of the difference between *possession* and *property*, in

\* In closing our notice of offences against the person, (on which subject there is much useful matter, which must be excluded from this article by reason of its natural limits) we may mention the recent case which occurred in London. A musician was returning from an evening party with his violin under his cloak. A policeman in plain clothes suspecting him to be a burglar gave chase. He fled believing he was pursued by a garotter. The policeman seized him, and a struggle ensued in which he wounded the former. He was committed for trial. In India he would have been protected, as the mistake was one of fact. (Section 79 of the Penal Code).

† French *larcin*, Lat. *latrocinium*. Wharton's Law Lexicon. Q. V.

order to a right conception of larceny and the kindred offences of embezzlement, and obtaining by false pretences. We may add that the admonition is equally useful in Indian law. The words *lucri causâ* were at first a considerable difficulty to the Judges. Where the prisoner, to screen an accomplice who was indicted for horse-stealing, broke into the prosecutor's stable, and taking another horse backed it into a coal-pit, and killed it with the intention of having it thought that the loss of the first horse happened in the same way, it was objected that this was not larceny, as there was no intention to convert the horse to the use of the taker. Six out of seven Judges however held that it was larceny, and that it was not essential that the taking should be *lucri causâ*, if it be fraudulent and with intent *wholly* to deprive the owner of the property. The Judges in this and several other cases clearly saw that the gain of the taker was manifestly wanting in cases that came however within the preconceived idea of larceny. Specious arguments were resorted to, in order to make out the taker's gain in several of such cases, but they were not satisfactory, and rather than adopt them, it was decided that the taker's gain was not an essential ingredient in the offence. It was reserved for the framers of the Penal Code to follow the strict moral and philosophical view of the subject, by grasping the whole idea in its entire comprehensiveness and inherent reciprocity. When this had once been done, we can only wonder that it was not done long before by some of the eminent Judges, who from time to time expounded the law of larceny. The offence is the same whether the result of it be to cause gain to one person or loss to another person. The framers of the code first, therefore, defined "wrongful gain" as *gain by unlawful means of property to which the person gaining it is legally entitled*, and "wrongful loss" as *loss by unlawful means of property to which the person losing it is legally entitled*. They then laid down that "*Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person is said to do that thing*" **"DISHONESTLY."** And having thus prepared the materials for their definition, they defined "Theft" as follows:—

"Whoever, intending to take *dishonestly* any movable property "out of the possession of any person *without that person's consent*; "moves that property in order to such taking is said to commit "theft."

Now the full force of this definition will be seen, if for the word "*dishonestly*" we substitute its definition as given above: the idea of *lucri causâ* is preserved, while the correlative idea,

or rather the other half of the idea, *viz. damni causa*\* is added.

We have said above that the Judges ruled that in order to constitute larceny, it was necessary that the object of the taker should be *wholly* to deprive the owner of the property: or to take the *possession* with the intent of depriving the owner of his *property* in the goods. Looking to the strictness with which the matter of old indictments had to be proved, it might be supposed that it would in consequence have been always necessary to prove an intention *to* deprive the owner of all the goods or of the whole article alleged in the indictment to have been stolen. But such was not the case. Proof as to part of the goods or as to a portion of the article, *e. g.* some of the mutton of stolen sheep, was held sufficient. How much more logically is the conception followed up by the use of the words "wrongful gain" and "wrongful loss." A total deprivation of the owner's property in the goods or in a portion of them is then an essential of the English crime of "larceny." A practical deprivation will be sufficient to constitute the Indian offence of "theft." This will appear clearly from what has been said, from examining the definition, and from some of the illustrations.

All "movable property" is the subject of theft, and movable property is defined to include "corporeal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth." And the explanation to Section 338 further adds that "a thing so long as it is attached to the earth, not being movable property is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth." Now to understand this exactly, we must be told that under English law anything which savoured of the realty, whether it was the substance of the land, as lead or other minerals; or the produce of the land, as trees, corn, grass, or other fruits; and also fixtures, could not be the subject of larceny, neither could documents such as title-deeds, &c. for they only evidenced a right to real estate; neither could animals *feræ naturæ*, such as deer, hares, or conies in a forest chase or warren, fish in an open river or pond, or wild fowl at their natural liberty; nor yet dogs, for "in respect of the baseness of their nature, they shall never be so highly regarded at law, that for their sakes a man shall die,"† *i. e.* when larceny was a hanging matter. Cats (including

\* *i. e. cum injuriâ.*

† See Smith's Leading Cases, I, 378.

polecats), monkeys, apes, foxes and bears, though tamed, were in the same predicament, and were outside the pale of the law and its protection. The definition in the Penal Code has at one stroke swept away all distinctions and made all these exceptions\* of English law the subject of theft. Will any one say that it is not an improvement on English law, which, notwithstanding the recent Consolidating Acts, yet treats separately the stealing of horses, cows and sheep; the stealing of dogs; the stealing of records; the stealing of wills; the stealing of documents of title to real estate; the stealing of lead, metal or fixtures; the stealing of ore; the stealing of trees; the stealing of plants; the stealing of fish: the stealing of deer, &c. &c.?

Under English law, the goods stolen should be proved to be the property of the person named in the indictment. If he be mis-named, or if it appear that the owner is another and a different person, the variance, unless amended, will be fatal, and the prisoner will be acquitted. Where goods were in the possession of a bailee, as merchandise in the hands of a common carrier, cloth with a tailor, linen with a laundress, it was sufficient to describe them as the property of the bailee. Where goods are the property of several, they must be so described, or as the property of A, B, and another or others, as the case may be. If they belong to three or more persons, and be described as the property of A, B, and another, it will not be sufficient. This was a mere legal fiction in many cases, goods being stated to be the property of persons who had no property in them, though they had them in possession. The definition of the Penal Code only requires proof that the goods were in the possession of the person, out of whose possession they are alleged to have been taken.

With respect to the *dishonest intention*, the Indian definition requires that it should exist at the time of the taking. If there be no dishonest intention at the time of the taking, a subsequent conversion will be criminal misappropriation, not 'theft.' This is generally speaking the rule of English law also, though there are one or two cases that seem to have a different bearing. For instance, when a man put twenty-nine lambs of his own into a field, and in taking them out took another lamb belonging to another person and then sold them all together, the jury found that at the time of leaving the field, the prisoner did not know that the prosecutor's lamb was in his flock, but that at the time he sold it, he had a felonious intention. In this case however it

\* Illustration (b) to Section 378 makes special mention of dogs. Cats are not however honoured with any special notice.

cannot be said that the prisoner *took* the lamb, until he was aware that he was driving it with his own lambs. If he became aware of this fact and sold the animal almost immediately (as would appear to have really been the case) it would be theft, as it was ruled to be larceny. Yet there are acts which, though amounting to larceny under English law, would not constitute theft under Indian law. For example, it was ruled to be larceny, where the prisoner found a bank note on the highway.\* There was no name or mark on it indicating the owner. The day after he was informed that the prosecutor was the owner\* and had accidentally dropped it. He notwithstanding changed it and appropriated the money to his own use. Again, where a person bought a *bureau* at an auction, and subsequently discovered therein a secret drawer containing several sovereigns, having appropriated this money, he was found guilty of larceny. Both these would be cases of criminal misappropriation under the Penal Code, which, in this respect, follows Lord Coke's rule 'that if one lose his goods and another find them, though he convert them *animo furandi* to his own use, 'it is no larceny.' The following is an instance of an act, which would not be criminal under English law, being made an offence under the Penal Code. "If there be joint-tenants or tenants-in-common of a personal chattel," says Hale, "and one of them carry away and dispose of it, this is no larceny." There is in fact no taking, for he is already in possession, it is merely the subject of an action of account or a bill in equity. But, under the Penal Code, it would be "criminal misappropriation."† It is on the above‡ principle that a wife cannot be convicted of stealing her husband's property under English law, because in law they are but *one person*; they are joint-owners. Would the same principle hold good in India? The wife might be convicted of criminal misappropriation, it would seem. But as the Hindu or Mahomedan husband does not endow his wife with all his worldly goods, and as Indian law does not regard husband and wife as one person,|| and Section 27 of the code

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\* Illustration (b) to Explanation 2 Section 403 of the Penal Code is a stronger case, for the finder knew *at the time of finding* to whom the note belonged. This would be a clear case of larceny under English law.

† See Illustration (c) to Section 403 of the Indian Penal Code.

‡ Husband and wife are however neither *joint-tenants* exactly (for the *jus accrescendi* does not hold entirely good, the wife being entitled to a portion only of the personal effects on the death of the husband intestate) nor *tenants in common* as there are not two estates but one. *En passant* members of a Hindu undivided family are often called *joint-tenants*, but the *jus accrescendi*, which is an essential not an accident of *joint-tenancy*, does not exist. They are rather *tenants in common*.

|| The Indian Succession Act distinctly recognises a *dual* number in matrimony.

declares the possession of a person's wife to be the possession of that person within the meaning of the code, it may be a question, if a conviction for theft would not stand good.

There is another class of cases which fall within the category of larceny, but which would be excluded by the definition of theft. They however find a place under the head of 'cheating.' The following instances will describe the class. One Major Semple hired a chaise, at the time intending (as found by the jury) to convert it to his own use. He took it away with his own horses and never returned it. He was convicted of larceny. The practice of "*ring-dropping*," formerly in vogue, was held to be larceny. The prisoner in presence of some intended dupe pretended to pick up a purse containing a receipt for £147 for a "rich brilliant diamond ring" and *also the ring itself*. The dupe was persuaded, to give all the money he had about him, and sometimes his watch and chain, for or in part payment of this so-called valuable ring, which was in reality paste, and which was sold or handed over for a half or a third of its pretended value. The recently invented trick of inducing people to play at skittles in order to cozen them out of their money has been similarly treated. So also a gipsy, who obtains money or goods by a false pretence of witchcraft is guilty of larceny. The ground of the decision in all these cases is, that the possession has been obtained by fraud. They however nearly all fall under the head of obtaining money or goods by false pretences, and Mr. Archbold considers it safer and more prudent to draw up the indictment as for this offence. We have said that they will come under 'cheating' in Indian law. The words 'without that person's consent' will exclude them from the definition of 'theft,' *i. e.* generally speaking, for we must also bear in mind Section 90, which declares that "a consent is not such a consent as is "intended by any Section of this code, if given by a person under "fear of injury or under a *misconception of facts*, and if the person "doing the act knows or has reason to believe that the consent "was given in consequence of such fear or misconception." Applying this to illustration (a) to Section 415, it would appear that A, who by falsely pretending to be in the Civil Service dishonestly induces Z to let him have on credit goods for which he does not mean to pay, and who is thereby guilty of "cheating," might also be convicted of theft, if Z gave his consent under a misconception as to the fact of A being a member of the Civil Service.

In respect of the aggravations to the offence of stealing, there is some distinction between English and Indian law. The aggravations of the former in respect of the nature of the thing



stolen, *e.g.* cattle, wills, articles in process of manufacture, have not been adopted in Indian-law. Those however touching the manner, as with or without violence, putting in fear, &c. have been pretty nearly reproduced in the code. With respect to *the place from where* the thing has been stolen, the distinctions have been diminished in number, *e.g.* stealing from the person, from a ship in the harbour, a ship in distress, find no place in the Code. With respect to *the person by whom*, the distinction between mere strangers and those holding fiduciary relations has been maintained. Touching the *value* of the thing stolen, the Penal Code makes it no matter of aggravation, that the value thereof be great in comparison with the majority of cases. The Madras High Court has arbitrarily ruled that regard shall be had to the value of the thing stolen in deciding the tribunal before which the case is to be decided. No doubt, proper regard should be had to this point in sending an individual case to, or withdrawing it from any tribunal, but to lay down any general rule on the subject is to limit the law, which without any limitation has conferred jurisdiction in cases of theft on all magistrates, whatever be their powers. The wide limits within which the punishment for each offence can be fixed by a criminal Judge, leave full scope for dealing with those circumstances of aggravation, each of which occupies a separate Section of the English Statute-Book. Magistrates of all grades should be careful to apportion their punishments with reference to the above principles, and not to lash with the terrible cat him who is only deserving to be whipped with a birch rod, thus leaving nothing to add *in terrorem* of those who commit the offence with all its aggravations.

We are compelled by our limits to notice but briefly the other offences against property. The careful student will find that the definition of "*Criminal Breach of Trust*" will cover larceny by bailees and numerous frauds by persons occupying fiduciary positions, some of which have to this day eluded the grasp of English Criminal Law, notwithstanding the many changes and improvements, that have been made within the last 30 years in order to meet and check the fraudulent devices of those, who, amid the multitudinous dealings of a great mercantile community, have used their cunning and their industry to discover paths of dishonesty where the law could not touch them. The definition of "*cheating*" helps to the same end. There was no definition in the whole code about which more doubt was entertained at first. It was said that almost anything could be made out to be cheating, and that in making a false statement as to a future fact sufficient to constitute this offence, a most unwise

and unsafe advance was made on English Criminal Law. But in truth the Code did not so much make the offence to consist in a false statement as to a future fact as in a similar statement as to an *existing intention*. A false statement as to a man's *belief* has never been doubted to be perjury, and in what respect is a false representation as to an *existing intention* less criminal than a similar statement as to an *existing fact*? The only difference is as to the difficulty of the proof, and this objection holds equally in the two parallel cases. The definition of 'cheating' has not yet worked any mischief that we are aware of, but we know it to have done some good.

"Robbery" under English law is defined to be "a felonious taking of money or goods of any value from the person of another "or in his presence against his will *by violence or by putting him in fear*." Where in snatching a diamond-pin fastened in a lady's hair, part of the hair was torn away with it, the violence was held sufficient to constitute robbery. Similarly where a thief ran violently up against a person for the purpose of diverting his attention while he picked his pocket. With respect to the 'putting in fear,' the fear might have been that of injury to the person, property or reputation. Instances are, where the prosecutrix gave money to a man who attempted to violate her in order to induce him to desist; where a mob entered a house during the Birmingham riots, and the prisoner got money, having threatened that, if it were not given, the house should be pulled down; and where the prisoner obtained money by threatening to accuse the prosecutor of an unnatural offence. Many of these cases would not constitute 'robbery' under the Code, which requires a higher degree of actual violence, *viz.* death or hurt. Where no actual violence is committed, the *fear* of instant death or of instant hurt or of instant wrongful restraint to the person put in fear or to some other person will be sufficient to constitute 'robbery' under the Code. The fear of death or hurt would make up the crime of robbery at English law: but neither wrongful restraint nor the fear of wrongful restraint without actual violence would amount to this offence.\* Again, the fear of injury to property or reputation, though with theft amounting to robbery under the same system of jurisprudence, will only be "extortion" under the Code, and with respect to extortion we may further remark that it comprises many offences, which would not be robbery and which are provided for by separate Sections of English statutes. The fear of injury, it will be observed, may be of injury to the object of the extortion or

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\* See the case of *R. v. Knewland*, Roscoe, p. 845-6.

to any other person, and injury denotes (S.44) any harm whatever illegally caused to any person in body, mind, reputation or property. A threat of injury to the reputation of another person would not support an indictment for robbery under English law, and we doubt if a threat of injury to the property of another would support it either. Where robbery was committed in England by threatening to charge a man with an unnatural offence, it was held that it would be no defence to prove that he was actually guilty of it. Similarly it would doubtless be no defence to a charge under the code of extortion by threatening the reputation in any way, to prove that the injurious matter was true.

The term 'Burglary' does not occur in the Penal Code. Lord Coke defines a 'burglar' as "he that in the night-time breaketh and entereth into a mansion-house of another, of intent to kill "some reasonable creature or to commit some other felony within "the same, whether his felonious intent be executed or not." The night has been by statute declared to extend from 9 P. M. to 6 A. M. "House-breaking by night" is the corresponding offence under the Penal Code, which declares the night to be from sunset to sunrise. The absence of long twilights in this country makes the rule more appropriate than it would be in England, where however the same rule formerly prevailed till altered by statute. Where entrance had been obtained by fraud or artifice, this would be a sufficient constructive breaking under English law; as when the prisoner, knowing the family to be in the country, promised the boy who kept the house a pot of ale, and while he went for it, robbed the house; also when persons intending to rob a house took lodgings in it, and then fell on the landlord and robbed him. These cases would not be house-breaking under the Code. On the contrary, under English law, "burglary cannot "be committed in a tent or booth erected in a market or fair, "although the owner may lodge therein, for the law regards thus "highly nothing but permanent edifices." The offence of 'house-breaking-by-night' would however be committed in India equally in a tent or bamboo hut as in a *pucca* building, provided only it were used as a human dwelling or as a place for the custody of property.

Under the head of "mischief" in the Code fall what are called in English law "malicious injuries to property." The Code however makes no distinction arising out of the fact of the offence being committed by *night* instead of by *day*, though it takes into consideration the value of the thing injured as matter of aggravation. Malicious injuries perpetrated by night are more difficult to detect, and, in accordance with the

established principle, should be punished more severely when detected.

*Offences against Reputation.*—Every one who has studied the Penal Code, however cursorily, knows that, 'Defamation' includes both 'Libel' and 'Slander' at English law, the former being punishable *criminally* and the latter *not*. Mr. Serjeant Hawkins defines a Libel to be "a malicious defamation expressed *either in printing or in writing*, and tending either to blacken the memory of one that is dead, or the reputation of one that is alive, and expose him to public hatred, contempt or ridicule." The defamation must be in printing or writing. "Slander in writing or in print," says Mr. Addison,\* "has been always considered in our law a graver and more serious wrong and injury than slander by mere word of mouth, inasmuch as it is accompanied with greater coolness and deliberation, indicates greater malice, and is, in general, propagated wider and further than oral slander." Libel is punishable under English law by a criminal prosecution and by a civil action. Not so oral slander. It is in no case the subject of criminal proceedings, and in order to afford ground for a civil action, it must appear that the defamatory words have occasioned special damage; for instance, reflections on a young lady's chastity will not be actionable, unless she have lost a marriage thereby; or some indictable offence must have been imputed; or it must have been alleged that the person slandered is afflicted with some contagious disorder, as leprosy; or the person being a tradesman or professional man must have been charged with misconduct, gross ignorance, or incapacity in respect of his trade or profession; or the words must impute official misconduct to a person in an office of profit or trust. Oral slander, on falling under some of the above heads, is not even civilly actionable at English law. To call a man a scoundrel or blackguard or swindler or rogue or blackleg is not sufficient ground for an action, as no man can be indicted for being such. But to impute bigamy, forgery, or the receipt of stolen goods is actionable, as these are indictable offences. Under Indian law however, all the above would be criminally punishable for "*Whoever by words either spoken or intended to be read or by signs or by visible representations makes or publishes any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person, is said to defame that person,*" and may be punished with simple imprisonment for a term, which may extend to two years, or with fine, or with both. It will scarcely be

\* Addison on Wrongs and their Remedies, pp. 679-80.

contended that some of the cases given above, which are not even civilly actionable under English law, have not properly been brought within the pale of the Criminal Code. At the same time the distinction between libel and slander, between written and oral defamation, and between the different imputations which amount to defamation, cannot be borne too carefully in mind in adjudging the punishment in each individual case.● The Penal Code has yet been but a few years in operation. There is no intelligent public opinion in the Mofussil to canvass the work of judicial officers; though in small centres around the Presidency Towns and other places of importance, the germ of such an organ is even now appearing. As education extends these centres more and more, that germ will be gradually developed, and the criminal law of the country as well as everything else will be canvassed by the people. Let it not then be hastily taken for granted, that the Penal Code has been an entire success, because as yet there have been few complaints. In order to make the Code a complete success, and to establish it as one of the permanent institutions of the country, it must be liberally and intelligently administered. The very wide discretion as to punishments vested in judicial officers, in consequence of the different *species* of the same offence not being individually enumerated under the *summum genus* in which they are contained, and to which is affixed merely a *maximum* of punishment, will require magistrates of all grades to discriminate carefully between the minor and aggravated species of each offence in awarding the penalty to any violation● of the law. To no class of crimes provided for by the Penal Code do these remarks apply more particularly than to "Defamation."

The Penal Code in respect of this offence, as of most others, embodies the latest improvements of English law, including the provisions of Lord Campbell's Act, which permits a defendant in a criminal prosecution for libel to plead that the matter thereof is true, and that it was for the public benefit that it should be published. Before this Act was passed, it was not allowed to prove in defence that the matter of the libel was true, hence the saying, "the greater truth, the greater libel," for as Blackstone said,— "It was immaterial with regard to the essence of a libel, in a criminal prosecution for it, whether the matter of it be true or false; since the provocation to disturb the public peace and create animosity is the whole that the law considers and punishes criminally."\*\* And this leads us to remark that in one other

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\* Lord Campbell would seem however only to have restored the law to its former condition.—See his own note in the "Lives of the Chancellors," Vol III, p. 278, where he says,— "So late as Queen Anne's time, Lord Holt,

respect the law of *defamation* differs from the law of *libel*, viz. that the offence of defamation under the Code consists in the injury to the individual affected by the calumny, and not in any supposed tendency of the act to bring about a breach of the peace. This may have considerable influence on the interpretation of the law. For instance, writing a letter containing a libel, though its contents were known only to the sender and the libelled receiver, was a sufficient publishing under English law, as *provocation to a breach of the peace* was thereby given. Now, as *harm to the reputation of the receiver* of the letter could scarcely accrue, if he kept his own counsel, and the imputation were not otherwise published, it might be questionable if any offence under the Code had been committed. In concluding this subject, we may remark that the offence of threatening to publish a libel in order to extort money, &c. punishable under the 6 and 7. Vict. cap. 96, comes in Indian law under the head of Extortion or Attempt at Extortion as the case may be.

*Offences against the Condition.*—Under this head of Bentham's fall "Contempts of the Lawful Authority of Public Servants," "The Criminal Breach of Contracts of Service," and "Offences relating to Marriage." The first class requires little notice. There are only two points new to English law. The omission on the part of certain persons to give information of the occurrence of particular crimes is made an offence under the Code in accordance with immemorial custom in India; and the particular character of our Revenue Administration requires, that persons in office should be deterred from bidding for property sold at public auction. The breach of certain contracts of service has been almost of necessity rendered criminally punishable, owing to the Punic faith of the lower order of employes in India. It has been often sought to extend the principle, and apparently on good grounds. The relation of master and servant with reference to the class of domestics is on a most unsatisfactory footing, and urgently requires regulation at the hands of the legislature.

The portion of the Penal Code concerning offences relating to marriage is most undoubtedly strong in the aid of morality. With the exception of bigamy, the offences are all new to English law, which does not punish criminally illicit intercourse

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"in Tuchin's case, called upon the defendant to prove the truth of his charges, and the judge-made doctrine that 'the greater the truth, the greater the libel,' now statutorily repealed, was of later origin." May not Blackstone's *dictum* given above have had much to say to making this doctrine?

with married women or in any way interfere with penal provisions, when the woman is a consenting party and over the age of twenty-one years. The question whether adultery should be made a criminal offence has been often and ably discussed. We have not space to recapitulate the arguments here. It has moreover been urged that while the adulterer is criminally punishable, it is not right that the adulteress should go free. We certainly take part with those who would punish the woman as well as the man.

"The confusion of progeny," said Dr. Johnson, "constitutes the essence of the crime; and therefore a woman, who breaks her marriage vow, is much more criminal than a man who does it. A man, to be sure, is criminal in the sight of God; but he does not do his wife a material injury, if he does not insult her."\* Dr. Johnson's argument is at the bottom of the law of divorce in England. A man can obtain a divorce for his wife's adultery, but a woman cannot obtain a divorce for her husband's adultery, however flagrant and persevering. If the woman is more guilty in the eye of the Divorce Act, why should she be less guilty in the eye of the Penal Code?

*Semi-Public Offences.*—Under this head come offences affecting the public health, safety, convenience, decency and morals, as treated in the Penal Code. All these fall under the general head of "nuisance," which, derived from *nuire*, to hurt or annoy, is, as Mr. Addison remarks, applied in the English law indiscriminately to infringements upon the enjoyment of proprietary and personal rights. Nuisances are of two kinds, public and private. A *private nuisance* arises from neglect of the maxim '*Sic utere tuo, ut alienum non lœdas*,' and is defined by Blackstone to be anything done to the hurt or "annoyance of the lands, tenements or hereditaments of another." The remedy is by civil action. A *public nuisance*, also called a *common nuisance*, is defined by the same author to be "an offence against the public order and economical regimen of the State, being either the doing of a thing to the annoyance of all the King's subjects, or the neglecting to do a thing which the common good requires." The term 'all the King's subjects' is used with some latitude. It will be a public nuisance if, in the

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\* "Is it not hard," asked Boswell, "that one deviation from chastity should so absolutely ruin a young woman?"—"Why no, Sir," replied Johnson, "it is the great principle which she is taught. When she has given up that principle, she has given up every notion of female honour and virtue, which are all included in chastity." Johnson had high ideas of marriage. He says elsewhere,—"Marriage is the best state for man in general; and every man is a worse man in proportion as he is unfit for the married state."

words of Vice-Chancellor Kindersley, the thing complained of be "such as in its nature or consequences is a nuisance, an injury, or a damage to all persons who come within the sphere of its operation, though it may be so, in a greater degree, to some than it is to others." The remedy for a public nuisance is by indictment, and no civil action will lie, unless special damage be incurred by some private individual. For example, if the Calcutta Municipality were to leave a hole in one of the streets unfenced and without a light at night, the members of the Municipality could be criminally indicted for a public nuisance, but could not be civilly sued, as they might be overwhelmed with a multiplicity of suits; though if any one fell into the hole and broke his leg, he might bring a civil action for this special damage. It is with public or common nuisances alone that the Penal Code deals, and in accordance with the principles of English law, a person is under its provisions guilty of a public nuisance, who does "any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general, who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right." Under the head of a public nuisance, as defined in the Code, would come all public or common nuisances at English law. Some of them indeed are specifically provided for by some of the Sections following the definition, and those not so mentioned will fall under the wide provisions of Section 290, which allows a fine not exceeding two hundred rupees for a public nuisance not otherwise punishable under the Code. Gaming and other acts treated as nuisances under English law, and not individually mentioned in the Code, when carried on in such a way as to fall within the definition, will be punishable under this Section. Under the class of offences now considered, it will be observed that the sale of unwholesome food and some other acts not yet amenable to the English Criminal Code, though punishable under local Acts, have been made the subject of general criminal legislation in India.

This portion of the Penal Code at least, as far as it relates to those *illegal omissions* which will constitute a public nuisance, has as yet been little acted upon in the Mofussil, and we fancy some members of Ferry Funds and Municipalities would be a little astonished if prosecuted under the Penal Code for not repairing bridges and roads subject to their care. When public-spirited individuals do commence to set this part of the Code in motion, it may be found somewhat embarrassing to those charged with the practical management of these institutions.



*Offences against External Security.*—As explained by Bentham, “those which tend to expose the nation to the attacks of a foreign enemy, such as every act which provokes or encourages hostile invasion.” For this class of offences the English legislature has provided few or no sanctions. Persons have indeed been convicted for libelling foreign potentates, for instance, Lord George Gordon for libelling the Queen of France, and informations have been granted for libels upon Napoleon and upon the Emperor of Russia. In one case Lord Ellenborough held that the publication should be regarded as a libel in consequence of its having a *tendency to interrupt the amity and peace between the two countries*. Probably the definition of *defamation* in the Penal Code is wide enough to include a libel upon the Soobah of Nepal or the ruler of Bhotan, but we opine that a case of this sort would only fall indirectly within Bentham’s definition. The Code however provides for some offences which fall more directly within the class, *viz.* “waging war against any Asiatic power in alliance with the Queen,” “committing depredations on the territories of any power at peace with the Queen, and “receiving property taken by such war or depredation.”

*Offences against Justice.*—Of this class, the most important is ‘*perjury* ;’ an offence more prevalent in India than in any other country now enjoying the same freedom and civilization. Most justly has Mr. Norton in his work on Evidence remarked as follows :—“An oath, such at least as is ordinarily administered in the Indian courts, appears to afford very little safeguard against false swearing. Whether an oath taken in the temple or while holding a cow’s tail is thought to require more strict observance than other forms, it may be difficult to say, but the result of experience certainly proves how very little restraint the common oath of a law court imposes. Perhaps the most beneficial effect of an oath upon an educated mind is to arouse the attention, to excite caution, and secure accuracy of statement : it may terrify or stupify the superstitious, but so far as the value of native testimony is concerned, perhaps it is not too much to say that evidence is as credible without as with the sanction of our ordinary oath.” *Form-of-solemn-affirmation* would be a more correct term than *oath*. The English legislature in deference to the scruples of certain sects, who had conscientious objections to take an oath, and who believed themselves as much bound to state the truth on solemn affirmation, allowed a form of solemn affirmation to be substituted for an oath by members of these sects. The Indian legislature without, as it would seem, comprehending the object and scope of the English statutes, adopted the rule in India with respect to Hindoos and Mahomedans,

though their scruples to the form of the former oath could not be entertained as a serious objection to its use, and no one ever seriously pretended that they would consider the simple form of solemn affirmation equally binding on their consciences. The doctrine of the Roman Civil Law, approved and sanctioned by the case of *Omichund vs. Barker*, and subsequently confirmed by Statute\* in England, is that all persons shall be bound by the oaths lawfully administered to them, provided they are administered in *such form and with such ceremonies as the parties sworn declare to be binding on their consciences*. Now the form of solemn affirmation administered in our Indian law courts without any ceremony whatever cannot be supposed to fall within the above exposition. It is in fact a mere solemn affirmation, not an oath. We have dispensed with the religious† sanction and retained only the moral sanction in a country where morality, as far as respects truth, is at a very low ebb indeed. The dread of punishment under the law has small influence in the case of men who are in many cases ignorant of the existence of such a law, who perhaps give evidence only once or twice in a life-time, and who, in a country, where nine-tenths of the population can neither read nor write, and nine hundred and ninety-nine out of a thousand never hear a newspaper read, and nineteen out of twenty newspapers give no reports of such matters, probably never heard of a man having been punished for telling a lie in a court of justice, and who would consider the probability of his being so punished too remote to be taken into account, while there is a considerable certainty of his suffering for it, if he refuse to give the required evidence for his zemindar. We speak of those who form the great majority of witnesses in the courts of the Mofussil. The small minority, who from education or practical acquaintance with the proceedings of the courts are aware of the consequences of perjury, *if proved*, will have a due respect for the terrors of the law, and will be considerably

\* 1 & 2 Vict. Cap. 105.

† On this point Taylor says,—“It must be admitted, that by thus laying hold of the conscience of the witness (*i.e.* by calling his attention to the Supreme Being as a dispenser of rewards and punishments here or hereafter) the law best insures the utterance of truth.” Vol. II. p. 1176. “We find by experience,” says Archbishop Tucker, “that many will boldly say what they will by no means adventure to swear.” We saw a case mentioned in a Calcutta newspaper in which a Mahomedan witness in a case of culpable homicide, wishing to screen a relation of his landlord, on solemn affirmation denied that the man was present at the murder; but when sworn on the Koran, he admitted what he had before denied point-blank.

influenced by the risk of detection and the chances of escape. The character of the *hakim* for sharpness and discernment will also have considerable influence on their calculations. In making these remarks, the truth of which must be recognized by those who have had sufficient experience to be competent judges of the matter, we at the same time desire to express our conviction, that there are natives who from education or other reasons have as great a respect for truth as *some* Europeans. We are happy to be able to say we have met some such. In and about the Presidency Towns and other large centres of civilization, the number of those who shun perjury from adherence to truth (the result of morality or habit) or from fear of punishment, is much greater than in the Mofussil, and for very obvious reasons. Education and the example of respectable Europeans have induced a different habit, and the fear of punishment is better diffused abroad. The lower classes are moreover more independent and less under the authority of petty chiefs, who, notwithstanding all our enfranchising enactments, enjoy very great authority over their dependents, who look upon giving evidence for their masters (*munees*) somewhat in the light that the holder of a fee regarded fighting against his lord's enemies, paying his share towards his lord's ransom, or contributing to the portion of his eldest daughter. In order to suppress perjury in the Mofussil, we would recommend that the Sections of the Penal Code relating to this offence be hung up in a conspicuous place in every court, civil and criminal, and that whenever any one was convicted for perjury, his conviction be posted in every court in the district, in the same way that convictions for railway offences are posted at every station along the line. In glaring cases his shame might also be proclaimed with beat of drum in his own village. These sanctions depend upon principles advocated by Bentham, but which modern legislatures have as yet been slow to follow.

According to Roscoe, in order to support an indictment for perjury under English law, the prosecutor must prove—1st, the authority to administer an oath; 2nd, the occasion of administering it; 3rd, the taking of the oath; 4th, the substance of the oath; 5th, the materiality of the matter sworn; 6th, the introductory averments; 7th, the falsity of the matter sworn; and 8th, the corrupt intention of the defendant. With respect to the first four points, we may remark that the offence of '*giving false evidence*' under the Penal Code can be committed not only by a person *legally bound by an oath*, but also by a person bound by any express provision of law to state the truth, or bound by law to make a declaration upon any subject. An oath or solemn

affirmation is therefore not an essential attribute of the act which constitutes the Indian offence. With reference to the fifth point, the materiality of the matter sworn is no longer of importance. If the defendant have made *any statement* which is false, and which he either knew or believed to be false or did not believe to be true, the offence will have been complete. The definition of the Penal Code thus includes the two great branches of perjury in English law, *viz.* perjury at common law, and perjury by statute. In respect of the punishment allotted to the different species of perjury, the Code is a great improvement on English law under which the utmost punishment that can be inflicted is four years' penal servitude, though the perjury be, as Mr. Stephen observes, the instrument of the foulest kinds of murder and robbery, or the means of inflicting loss of liberty, character and property in any degree.

One more point only we have time to notice under the present class of offences. Under English law, if a man be indicted for breaking prison, and be subsequently acquitted of the felony for which he was detained in prison, he can plead this acquittal in bar of the indictment for prison breach. He could not do so under Indian law.

*Offences against the Police.*—These may be divided into those committed by members of the Police, which are in a great measure provided for by Act V of 1861, and those committed by outsiders, which are provided for by many useful Sections of the Penal Code. As we shall see in a future article, the Police in this country have greater power than the Police at home, and are subjected to criminal punishment for *non-feasance* of duty in cases where the Police in England could only be dismissed from their posts. We shall at present merely advert to Section 119 of the Penal Code, which punishes severely a public servant who conceals his knowledge of the existence of a design to commit an offence.

*Offences against the Public Force.*—Under this head come offences relating to the army and navy committed by persons who are not members of those services, and therefore not amenable to Martial Law. The provisions of this chapter of the Penal Code have been borrowed with some few additions from the 57 Geo. III, cap. 7, and will be found a useful supplement to the Indian Mutiny Act. We may remark that the English Mutiny Act, which is annually passed at home, and by which Parliament annually asserts its authority in respect of the standing army of the kingdom, makes it a misdemeanour for any person in any part of Her Majesty's dominions, directly or indirectly, to persuade any soldier to desert.

*Offences against the Public Treasure.*—Under this head will come that chapter of the Indian Penal Code which treats of offences relating to coin and government stamps. It is clear that all Excise and Customs Acts would belong to the same class. The special Acts relating to opium, abkaree, salt and stamps, in so far as they inflict penalties for infringements of their provisions, fall under the same head. They have not however been included in the permanent Code, as they are liable to be changed with the systems of finance which, from time to time, are deemed politic or otherwise by the Government for the time being. The offences relating to coining in the Penal Code are in all material points the same as in English law, which anciently classed this crime under the head of treason, the right to coin money being one of the prerogatives of sovereignty.

*Offences against Population.*—The second portion of the sixteenth chapter of the Penal Code treats 'of the causing of miscarriage, of injuries to unborn children, of the exposure of infants, and of the concealment of births.' The recent case of *Charlotte Winsor* at home has again brought a much controverted portion of this subject before the public. Bentham argues that homicide committed on the person of a new-born infant *with the consent* of its parents, ought not to be punished as a principal offence, because the act occasions no alarm to others. He would punish it as an introduction to crimes, and as furnishing a proof against the character of those who commit it. He objects to the treatment of this particular crime by modern legislatures. "Compare," he says, "the offence with the punishment. The offence is what is improperly called the death of an infant, who has ceased to be before knowing what existence is,—a result of a nature not to give the slightest inquietude to the most timid imagination; and which can cause no regrets but to the very person who, through a sentiment of shame and pity, has refused to prolong a life begun under the auspices of misery. And what is the punishment?—the barbarous infliction of an ignominious death upon an unhappy mother, whose very offence proves her excessive sensibility; upon a woman guided by despair, who in hardening her heart against the softest instinct of nature, has harmed no one but herself. She is devoted to infamy, because she has dreaded shame too much, and the souls of her surviving friends are poisoned with grief and disgrace." It must be remembered that, owing to Bentham's incapability of writing good English, the results of his labours appeared in French, and that the above is but a translation. His friend Dumont is perhaps responsible for portions of his language.

Bentham's Code is not distinguished by severity against the fair sex, and the fact of a man of his discernment having formed so very favourable an opinion of the class, speaks strongly for the purity of his morals, as showing that he associated only with women of goodness and purity. His acquaintance with such as Charlotte Winsor and those who availed themselves of her services must have been small indeed. There are, no doubt, cases "where lovely woman stoops to folly, and finds too late that men betray," which should be regarded from Bentham's point of view, but is not the *excessive sensibility* he speaks of, even in most of these, *excessive selfishness*, which leads the erring one to prefer the opinion of the world to the opinion of her God, and to sacrifice a hapless innocent, for whose auspices of misery she alone is responsible, to a desire to secure her own reputation at all hazards, which too often defeats itself, and in ninety-nine cases out of a hundred is frustrated by the whisperings of busy rumour. The subject however is one upon which widely different opinions have been held by the highest authorities, and we must remember that when Bentham wrote, the Act of 21 J. I, cap. 27, (borrowed no doubt, as Mr. Taylor remarks, Vol. 1, p. 125, from a similar edict of H. 2 of France cited by Domat) was in force, according to which, if the mother of an illegitimate child endeavoured privately by secret burying or by any other way to conceal its death, *she was presumed to have murdered it*, unless she could prove by one witness at the least that the child was born dead. Where the child *was* born dead, and there was no crime but only a desire to hide shame, the mother could have been and often was punished capitally. This barbarous law has since been repealed both in England and America, but there is no doubt that the just compassion raised by its operation contributed, according to the usual rule, to the sentiments of those who ran into an opposite extreme.

With respect to the abandoning or exposing of children, it has been settled under English law that abandonment alone without proof that the child's health was thereby injured is not sufficient to constitute an offence, but under the Penal Code, whoever being the father or mother of a child *under the age of twelve years*, or having the care of such child, shall expose or leave it *in any place* with the intention of wholly abandoning it, shall be liable to imprisonment for seven years or fine or both.

One point more we shall notice under this head. At English law, a child must be actually wholly in the world, in a living state, to be the subject of a charge of murder. But under the

Code, it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

*Offences against the National Wealth.*—Under this head come “offences relating to weighing and measuring,” and “offences relating to documents and to trade or property marks.” Under English law the use of false weights or measures or trade marks does not of itself constitute an offence, but *cheating* by such use does, and is a misdemeanour punishable at common law. The Penal Code however makes the use of such false scales, weight, measure or mark to constitute the offence.

‘Forgery’ is by some jurists classed under the head of ‘offences against property,’ but the framers of the Penal Code have placed it under a separate head, no doubt following Bentham’s classification. The definition of forgery in the Code follows the English in preference to the Scotch law. Blackstone defines the offence as “*the fraudulent making or alteration of a writing to the prejudice of another’s right.*” Mr. East as “a false making, “a making *malò animo*, of any written instrument” for the purpose of fraud and deceit. It must be shown that an intent to defraud existed at the time of making or altering the writing. It need not be proved that there was an intent to defraud any particular person. An intent to defraud generally will be sufficient. The definition of the Code unites the sense of the above two definitions, and is as follows:—“*Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud, or that fraud may be committed, commits forgery.*” The existence of the intent at the time of making the document, as under English law, constitutes the offence, even though the document be never used or uttered, which using or uttering would under the Code amount to a second offence. Under Scotch law there is no crime committed till the forged document have been uttered or put to use. The Indian definition goes beyond even English law, as will at once appear if the meaning of the terms “*injury*” and “*document*,” as defined in the Code, be borne in mind. We leave the curious reader to discover results for himself. In concluding our very brief notice of the subject of forgery, we may remark that the Code has a great advantage over English law in respect of brevity, inasmuch as it includes in fifteen sections what is spread over no less than fifty-six in the English statute.

*Offences against the Sovereignty.*—If we were discussing the political tendencies of the nineteenth century, we might remark,

as a proof of the democratic character of the Penal Code, that it treats this class of offences as committed not against the *Sovereign*, but against the *State* and against the *Public Tranquillity*. Under the Statute of Treasons (25 Ed. III, Stat. 5, c. 2) "when a man doth compass or imagine the death of our lord the king or of our lady his queen, or of their eldest son and heir; or if a man do violate the King's companion, or the King's eldest daughter unmarried, or the wife of the King's eldest son and heir;\* or if a man do levy war against our lord the king in his realm, or be adherent to the King's enemies in his realm, giving "to them aid and comfort in the realm or elsewhere," he is guilty of treason; and under the 36 George III, cap. 7, "whoever within the realm or without shall compass, imagine, invent, devise or intend death or destruction or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint," of the heirs and successors of George III, and "such compassings, imaginations, inventions, devices or intentions, or any of them shall express, utter or declare by publishing any printing or writing, or by any overt act or deed," is guilty of treason. It was formerly treason to compass, imagine, &c., to deprive, or depose the King or Queen from their style, honour, or royal name, or to levy war within any part of the United Kingdom, in order by force or constraint to compel them to change their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe either House of Parliament, or to move or stir any foreigner or stranger with force to invade the United Kingdom or any other of Her Majesty's dominions or countries under the obedience of Her Majesty, but these acts are not now treason, though they are *felony* under the 11 and 12 Vict. cap. 12, under which statute most of the recent Fenian convictions in Ireland took place. The Indian Penal Code as it takes no cognizance of "felonies" and "misdemeanours," so is silent as to "treason." It provides however for the offences of "waging, "or attempting to wage war, or abetting the waging of war "against the Queen;" "collecting men, arms or ammunition "or otherwise preparing to wage war;" "concealing with

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\* The Indian Code provides for no offences analogous to these, which with slaying the chancellor, or treasurer, or the judges being in their places doing their offices, Mr Stephen terms "antiquarian curiosities." The same might be said of the Statute of Henry VIII, which imposed the penalty of treason upon any one who, not being a true maid, married the king without disclosing her incontinency, and which so frightened all the spinsters at Henry's court, that they fought shy of His Majesty, who had in consequence to take a widow (Catherine Parr) for his sixth and last wife.



"intent to facilitate a design to wage war;" "assaulting or wrongfully restraining, or attempting wrongfully to restrain, or overawing or attempting to overawe by means of criminal force or the show of criminal force, the Governor-General of India, or the Governor of any Presidency, or a Lieutenant-Governor, or a member of the Council of the Governor-General, or of the Council of any Presidency, with the intention of inducing or compelling any of them to exercise or refrain from exercising in any manner any of their lawful powers." The code does not provide for offences committed against the person of the Sovereign or of the Heir to the Crown. If they visited India at any time, we should require a supplementary enactment.

Under English law, the levying war which constitutes treason is of two kinds, viz. *direct* and *constructive*. The former is clear enough, but as there is more difficulty as to what constitutes the latter, some explanation is necessary. There is a constructive levying of war, where there is a purpose to effect innovations of a public and general nature by an armed force, as to obtain the repeal of a statute, to alter the religion established by law, to obtain the redress of any public grievance, real or pretended. Those taking part in an insurrection for the purpose of pulling down *all* enclosures, opening *all* prisons, expelling *all* strangers, or raising the rate of *all* wages, will be guilty of treason. We do not think that "waging war" in the code will receive an interpretation so wide as that put upon "levying war" in the English statutes, but it is clear that acts not amounting to the higher offence will yet be punishable as offences against the public tranquillity. An assembly of five or more persons is an "unlawful assembly," if the common object of the persons composing it be—*first*, to overawe by criminal force, or show of criminal force the Legislative or Executive Government of India, or the Government of any Presidency, or any Lieutenant-Governor or any public servant in the exercise of the lawful power of such public servant; or, *secondly*, to resist the execution of any law, &c. It is almost to be regretted that the Commissioners did not give a definition of "waging war." As the Code now stands on this point, there is considerable scope for the tribunals to exercise a large discretion in construing certain acts to amount to a very high offence or to constitute a very small one. There is no law of limitation in India for prosecutions for offences similar to that which constitutes treason at home. The period of limitation for these prosecutions in England is three years, unless where the treason is directed against the *person* of the sovereign.

An assembly of five or more persons is also an unlawful assembly, if the common object be "by means of criminal force, " or show of criminal force to any person, to take or obtain possession of any property or to deprive any person of the enjoyment " of a right of way or of the use of water or other incorporeal right " of which he is in possession or enjoyment, or to enforce any " right or supposed right." It makes no matter whether the right be a *bona fide* one or not. It cannot be enforced by violence, and the party seeking to enforce it should resort to the constituted tribunals. This is in accordance with the principles of English law. It will be observed that no offence is committed by those who resort to criminal force to *keep* possession of property, or to *resist* the violent enforcement of a right. So in England, where a weir had been erected across a common navigable river, and a number of persons assembled with spades and other necessary implements and removed it, this was held to be neither a forcible entry nor a riot. We may here observe that there is no regular "Riot Act" in India, rendering those who refuse to disperse, when called on to do so, guilty of felony. There is however a somewhat similar provision. Section 111 of the Code of Criminal Procedure runs as follows :—"A Magistrate or Officer in charge of a Police " station may command an *unlawful assembly* to disperse, and it " shall thereupon be the duty of the members of such *unlawful " assembly* to disperse accordingly." Remaining in an unlawful assembly after an order to disperse, subjects the offender under Section 145 of the Penal Code to as much as *four times* the punishment of being merely a member of such assembly. Section 151 of the Penal Code provides for persons continuing in any assembly (though not an unlawful one) of five or more persons after an order has been given to disperse. Who is competent to give such an order, the law saith not, as the above quoted Section of the Criminal Procedure Code only refers to an "unlawful assembly." In order to bring the English Riot Act into operation, there must be *twelve* persons unlawfully assembled.

*Offences against Religion.*—The Sections of the Code relating to this subject require but a brief notice. They at first gave rise to apprehensions, which five years' experience of the working of the law has not however tended to realize. Disturbing any meeting, assembly or congregation of persons assembled for religious worship is an indictable offence under English law, which also protects churches and chapels and grave-yards by several enactments. With respect to the other acts provided for, there is no offence where there is no deliberate intention to wound or insult

the religious feelings of others. Malicious revilings in public, derogation and contempt of the *established religion* are punishable in England at common law, which has more power in these matters than most people are aware, and certainly it is to the credit of British tolerance and enlightenment that she extends to the religion of others the same protection afforded to the established religion of those islands, where true religious toleration first was known.

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ART. VI—1. *Asiatic Researches.*

2. *Journal of the Asiatic Society of Bengal.*

3. *Act 'XVII of 1866 of the Legislative Council.*

A T length after the hopes and disappointments of the last ten years, the project of an Imperial Museum for India is about to be realized. The difficulties which stood in the way have disappeared. Our rulers have accepted the position that a civilized state is bound to advance the cause of science. The pressure which for so many years has lain on our public finances, and curbed so many plans of public utility, has now, by wise economy and careful management, been so far relieved as to allow some little licence in the disposal of a surplus revenue. The Indian Museum has at last been founded, and Government has bound itself by law to erect a suitable building within five years from March 1866, and the Judges of the Court of Small Causes may already hear the departmental hammer and chisel in their immediate vicinity.

It may not be out of place therefore on the present occasion to review the various steps that have been taken from time to time towards this desirable object, and to anticipate, so far as we may be able, the special advantages which may fairly be expected to accrue from the proposed institution to the interests of science and education in general.

The Indian Museum is the result of a movement set on foot so far back as 1856 by the Asiatic Society of Bengal, and had that Society done nothing else to promote science during the last ten years, it would have entitled itself to the gratitude of posterity for the vigour with which it has prosecuted to success a project fraught with so much public usefulness. But it is not merely in having advocated the cause of the Museum, that that scientific body has conferred an obligation on the Indian public; it has further backed its proposals with more substantial offers, and has transferred its own collections to form the nucleus of the new institution. It is owing to the labours and researches of the Society for upwards of half a century, that the Indian Museum is able to commence its existence with a collection that would do credit to many a similar institution in Europe. It would be impossible therefore, in treating our present subject, to overlook the position occupied by the Asiatic Society, or omit to give some brief account of its labours in the field of natural science.

The Asiatic Society of Bengal was founded on the 15th January 1784, by the illustrious lawyer, linguist, and naturalist, Sir William Jones. The Governor-General, Warren Hastings, having declined the offer of the chair, the founder of the Society was elected its President, an office which he continued to fill with eminent ability and success for upwards of ten years. The aims and aspirations of the infant Society were humble enough. Weekly evening meetings (and very sociable meetings they must have been) were held in the Grand Jury Room, for the perusal and discussion of original papers on the history, antiquities, arts, science and literature of Asia, and a selection of these papers was from time to time published as the *Asiatic Researches*. The inaugural address was delivered by the President on 15th February 1784, and was succeeded by a similar discourse on each anniversary of the founding of the Society. Eleven of these discourses were delivered by Sir William Jones, and though related as it were to a former era of science, in which however they must have been regarded as monuments of learning far in advance of the age, they may still be read with interest and profit at the present day. The practice however of delivering an anniversary address apparently fell into desuetude after the death of Sir William Jones,\* and no attempt has since been made to revive what seems to us a most valuable and praiseworthy custom. It is true that in the proceedings of 1828 we have met with a resolution "that the members should, after the practice of the "Fellows of the Royal Society, dine together on the anniversary "of the institution of the Society;" but as no record of the after-dinner speeches has been handed down, it must be presumed that they were not considered worthy of being preserved. An annual address no doubt is valuable in giving an impulse to the cause of science, and we take this opportunity of recommending the Society to resuscitate it in some form or other.

The earliest labours of the Society were chiefly literary, and unambitious as appeared the prospectus sketched out by its illustrious founder, there was one point in which it was soon found impossible to carry it out in its integrity. The meetings which at first had been weekly, were now held monthly, and in July 1800 we find that a resolution was carried to the effect that the objects of the Society would be fully met by meetings once a quarter!

But a new prophet was now to arise in Israel. Henry Thomas Colebrooke, a man whose Indian researches and Indian fame cannot even be eclipsed by his subsequent achievements as founder of the Royal Asiatic Society of Great Britain and Ireland,

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\* 27th April, 1794.

was elected President in 1806, and again the Society exhibited symptoms of life and youthful vigour. In that year the project was formed of the "*Bibliotheca Asiatica*, or a descriptive catalogue of Asiatic books, with extracts and translations,"—\* a publication which on a somewhat different plan and aided by the subsequent grant of Rs. 500 per mensem accorded by the Court of Directors in 1839, is now swelling to such vast and valuable proportions: Two years later, subscriptions were raised to the amount of Rs. 24,000, with which the Society's present house was erected, the site having been granted by Government in 1805.

A fresh impulse was communicated to the Society's researches by the establishment of Scientific and Literary Committees, the former of which "might propose such plans and carry on such correspondence as might seem best suited to promote the knowledge of natural history, philosophy, medicine, improvements of the arts, and whatever is comprehended in the general term of *physics*," while the latter directed its labours more particularly towards "literature, philology, history and antiquities." The Committees were to meet on alternate Wednesdays, and meetings, we are informed, † were held for some little time, but as zeal wore out, were discontinued. Indeed it was no more than to be expected that with the vast field of Sanscrit literature opening before them, only requiring to be explored to yield a certain mine of wealth, Orientalists of that day should have preferred the new and interesting paths of literature to science. It is not to be wondered that at a time when these eminent scholars were introducing to the notice of European *savans* a literature which was to work a thorough change in the then current notion of language altogether, they should have regarded it as "that department which must on every account claim precedence among the subjects of this Society's research." ‡

But an era of scientific investigation was about to dawn. So far back as February 1814 the Society had determined on

\* On 2nd July 1806 it was resolved.—"That the Society publish from time to time as their funds will admit of it, in volumes distinct from the *Asiatic Researches*, translations of short works in the Sanscrit and other Asiatic languages, or extracts and descriptive accounts of books of greater length in those languages which may be offered to the Society, and appear deserving of publication." The *Bibliotheca Asiatica* did not, so far as we are aware, ever reach the point of publication; but this was the origin of the project which subsequently in pursuance of Mr. Laidlay's Minute of 1847 was realised in the publication of the *Bibliotheca Indica*.

† Introduction to *Asiat. Res.* Vol. XVIII.

‡ Address to Prof. H. H. Wilson on his resignation of the post of Secretary. *Asiat. Res.* Vol. XVII. App.

the formation of a Museum "for the reception of all articles that "may tend to illustrate Oriental manners and history, or to elucidate the peculiarities of nature or art in the East."\* And now on the 2nd January 1828 the defunct Committee of Natural History and Physics was raked out from the musty records where it had lain for nearly twenty years, and reorganized for the purposes of scientific research. †

For at this time two master spirits had appeared upon the scene. Professor H. H. Wilson, who in the field of Oriental literature established for himself a reputation which few have attained or can even hope to attain, was nobly seconded in the sister pursuits of physical science by his assistant and successor in the Calcutta Mint, James Prinsep. This latter gentleman, on being deputed shortly after his arrival in the country to the charge of the mint at Benares, not only prosecuted his favourite studies with zeal in that city, but succeeded in imparting some of his own ardour to others, and established a corresponding Society.‡ On the abolition of the mint at Benares in 1830, he returned to Calcutta, where he was immediately elected joint Secretary with Professor Wilson, with particular reference to the Physical Class. He did not assume his duties one moment too soon, for the extraordinary discoveries of that epoch had already commenced, and another mind had already conceived and was carrying into execution the noble design, which Prinsep afterwards brought to perfection.

\* Contributions were invited under the following seventeen heads :—

1. Inscriptions on stone or brass.
2. Ancient monuments, Muhamedan or Hindu.
3. Figures of the Hindu deities.
4. Ancient coins.
5. Ancient manuscripts.
6. Instruments of war peculiar to the East.
7. Instruments of music peculiar to the East.
8. The vessels employed in religious ceremonies.
9. Implements of native art and manufacture.
10. Animals peculiar to India, dried or preserved.
11. Skeletons or particular bones of animals peculiar to India.
12. Birds peculiar to India, stuffed or preserved.
13. Dried plants, fruits, &c.
14. Mineral or vegetable preparations in Eastern pharmacy.
15. Ores of metals.
16. Native alloys of metals.
17. Minerals of every description.

† "Resolved that the Physical Committee of the Asiatic Society be considered as in existence, and for the same purposes as formerly, exclusive of medicine." Physics were defined to include the "Zoology, Meteorology, Mineralogy, and Geology of Hindustan."

‡ *Vide* Extracts from Proceedings. *Asiat. Res.* Vol. XV. App.

We must pause here a moment to cast a retrospective glance at the literary results of earlier years. It had been the intention of Sir William Jones, if sufficient materials had been contributed, that a volume of the *Researches* should be published annually. But up to the time of his death three volumes only had seen the light, and sixteen only had been published now after the lapse of forty-five years. These sixteen volumes moreover were purely literary, little or nothing having hitherto been done for the cultivation of natural history or physical science. But now when these branches of knowledge were daily forcing themselves upon the attention of the Society, some measures of reform were felt to be necessary, that the germs of scientific research in India might not be blighted in the bud. One of these measures we have already noticed in the reorganization of the Physical Class. Another was the division of the *Researches* into two distinct parts, Literary and Scientific. But this was not enough. It was justly felt that the spirit of science, which had now been fairly roused, required some more frequent medium of communication than was afforded by the *Researches*. It was not in the nature of things that valuable discoveries, such as were now being made almost daily, should be allowed to remain shut up in the Secretary's box for four years before being published to the world. The times demanded a quicker interchange of thought. Scientific men called for a more frequent, if more ephemeral publication, wherein to announce their discoveries and compare notes.

Accordingly in 1829 Captain Herbert on his own responsibility commenced the publication of a monthly periodical entitled "*Gleanings in Science*," chiefly intended to contain extracts from European scientific literature, with such original papers as might be forthcoming. The project was thoroughly successful, and original communications poured in from all sides. On his return to Calcutta, James Prinsep succeeded Captain Herbert as editor, and on the 7th March 1832 procured the Society's consent to its being designated from that year and so long as it should continue to be edited by their Secretary by the title of the "*Journal of the Asiatic Society of Bengal*." At the same time it remained the editor's property, and otherwise independent of the Society and of its *Researches*, four volumes of which appeared subsequent to this date. Owing to the profusion of materials, there was no longer any necessity to reprint extracts from other periodicals, the original contributions alone swelling the *Journal* to double its original size. At length, having raised the work to a first-class reputation throughout the world, James Prinsep on his return to Europe in 1838 transferred the *Journal* with a circulation



of upwards of 500 names to his successor Henry Torrens, on whose resignation in 1843 it was finally adopted by the Society as its own publication, and thenceforth took the place of the *Researches*.

It may not unnaturally be supposed that, at a time when physical science was so largely engrossing the attention of the Secretary and other members of the Society, anxious thoughts were from time to time directed towards the Museum. Established as we have said in 1814, it had been well supported from the first,\* and the receipt of numerous and valuable donations had by this time rendered it an interesting and important institution. In fact the Museum had now attained such proportions that not only was additional space required for the proper display of the various specimens, but the services of a Curator were found to be indispensable for the due preservation of the collections committed to the Society's trust. Accordingly, in 1835 the society appointed a paid Curator on Rs. 150 per mensem, an arrangement however which from want of the requisite funds lasted only two years. In 1837 the matter was referred to the consideration of the Committee of Papers, who recommended that an application should be made to Government for an annual grant of Rs. 10,000. It was in this application, forwarded by Sir Edward Ryan in June of that same year, that the idea of a National Museum for India was first broached,†—

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\* "The Museum indeed may be regarded as of your Lordship's creation, "dating from the period of your Presidency, and having grown up under "your care." Address to the Marquis of Hastings, 26th December 1822. *As. Res.* Vol. XV. App.

† "The Asiatic Society, or it may be allowable to say the metropolis of "British India, has had the germs of a National Museum as it were planted "in its bosom. As at Paris a new era was opened in the history of its great "museum, the Jardin des Plantes, through the discoveries of extinct and "wondrous animal forms exhumed from the rocks on which the town was "built, and which required all the adjuncts of comparative anatomy for their "investigation even by the master-hand of the great Cuvier; so in Calcutta "through the munificence of a few individuals, and the development of "fossil deposits in various parts of India hitherto unsuspected, we have "become possessed of the basis of a grand collection, and we have been "driven to seek recent specimens to elucidate them. Our desire has been "warmly seconded by all who have enjoyed the opportunity of contributing; "from China, from New South Wales, from the Cape, and from every quarter "of the Honorable Company's possessions, specimens of natural history, "mineralogy, and geology have flowed in faster than they could be "accommodated, and the too little attention they have received has alone prevented "similar presentations from being much more numerous, for it is but reasonable to suppose that of the stores continually despatched to England or the "Continent, the Society would have received a larger share, had it done proper "honour to what it has received." Extract from the Society's application for Government-aid, dated 15th June 1837, and published in the Proceedings for that month.

it having been clearly proved by the experience of previous years that no collection worthy of this country could be maintained either by private means, or even at the expense of a single society. The reply of the Government of India was perhaps as favourable as could have been expected. The Society's application was forwarded to the Court of Directors with strong recommendations of adoption, but the project being a novel one, and there being some doubt at that day of the practicability of preserving a zoological collection in the climate of Bengal, while the Court had a very good Museum of their own in Leadenhall Street in London, the Indian Government refused to take upon itself the responsibility of sanctioning the proposal. On a further representation from the Society, the Governor-General in Council authorized a monthly grant of Rs. 200 for the Museum, at the same time holding out the promise of special additional grants for specific objects, such as the purchase of collections. Two years later however, when the value of this latter promise was put to the test, the Government on the plea of the injurious effects of the climate refused to purchase Major W. E. Hay's zoological collection made in Africa, South America, and the Eastern Archipelago, and valued at Rs. 30,000.

In their Despatch dated the 18th September 1839, the Court of Directors approved of the proceedings of the Government of India, and recognized its duty towards science to some extent in these words. "The independent and useful activity of the Asiatic Society of Bengal, during so long a period, entitles it justly to your consideration, and looking to it as the only institution in India which offers any analogy to the great national libraries and museums of Europe, it is a legitimate object of public support." The relation in which the Society was placed towards the Company's Museum in consideration of this grant was to some extent defined in a subsequent Despatch, in which the Honourable Court with some reason complained of the supposed detention by the Society of the valuable collections made by Dr. Helfer and Captain Pemberton at the expense of Government, and the principle was then laid down that the Society's Museum in Calcutta, so far as the Government was concerned, should only be regarded as subordinate and accessory to the Company's Museum in London. The most full and complete series of all collections thereafter to be made on behalf of Government should, it was ordered, be despatched without delay to England, duplicate specimens only, if available, being retained in the Society's Museum.\*

\* "By the plan thus recommended," write the Court, "we shall become acquainted with the zoological productions of regions newly visited and

The numerous reports that were written about this time on the subject of the Society's Museum, exhibit a state of chaotic disorder, which was only to be expected so long as the Society was without a paid Curator. Much however was effected by the extension of the Society's premises and the erection of additional rooms. A subscription list was opened for the preparation of cases and cabinets, and the arrival of Mr. Blyth as Curator at the end of 1841 promised more satisfactory arrangements for the future.

But it is necessary now that we should turn to another department of science, which was beginning to attract attention at home no less than in this country. The valuable reports of Drs. Royle and McClelland had not been shelved as so much waste paper. On the contrary, they had proved to the Court of Directors that much might be done by the aid of scientific enquiry towards developing the resources of their vast possessions in the East. Already the Honourable Company had founded on the most munificent scale Botanic Gardens at Calcutta and Scharunpore, the successive Superintendents of which, *e.g.* Roxburgh, Wallich, Falconer and Thomson, have ranked among the names dearest to science in India. As far back as 1830 Captain Herbert had been deputed on the part of Government to make a geological and mineralogical survey of the W. Himalaya, a scheme which was unfortunately but partially achieved at the time of that officer's death in 1833. And now it was determined to found in Calcutta a "Museum of Economic Geology of India," by the aid of which, it was expected, important discoveries would be made relative to the mining and agricultural wealth of the country. In January 1841, Captain Tremenheere arrived in charge of the nucleus of the proposed Museum, comprising specimens of coal and ores from England. They were deposited in the Society's house, which indeed at that time was the only place in India fit for their reception, and the Society with admirable *sans froid* appropriated the collection by a resolution passed in April of the same year. It was understood that this Museum was "not intended for the reception of specimens of rocks or fossils to illustrate points of theoretical geology, but to exhibit those substances occurring occasionally in the solid crust of the earth, and others which are applicable

"thus obtain materials for "Local Faunas" of which several instructive series already exist in our Museum. Of all entomological collections we require that the entire result of any deputation on behalf of Government be forwarded to our Museum, since these cannot be preserved in India under the disadvantage of imperfect cabinets, moisture, and general destructive effects of the climate; and being comprised in smaller space, their transmission is not expensive."

“to the useful purposes of life.” But the Society took up the project with warm interest, issued a circular on the subject, and solicited aid from its numerous members. On its representation, Mr. H. Piddington was appointed in the following year joint Curator to the Museum of Economic Geology on a salary of Rs. 250 per mensem, and a further grant of Rs. 64 per mensem for contingencies was subsequently made by the Government. The Museum remained and grew in the Society’s custody for fifteen years. At length in July 1856, the Government resolved to remove it and to establish an independent Geological Museum, theoretical as well as practical, in connection with the Geological Survey. At the same time the Society was requested both by Government and the Superintendent of the Geological Survey to transfer its own geological and palæontological collections to the new Museum. After considerable discussion the proposal was rejected by a majority of one—on the grounds, according to the Council’s report, that “such a transfer, if made, would be irreparable, that “it would be inconsistent with the terms on which those “collections have been acquired by, or presented to, the “Society, and would be likely to injure irretrievably the “future prospects of the Society.” We will not stay to consider how far these grounds, however specious, were strictly tenable, or why they were not as imperative in 1865 as in 1856. Possibly the real reason lurked behind and was but faintly expressed in the Minutes of the Council. The proposal was felt to be a half-measure only. It did not go far enough to meet with the cordial approval of the Society. Already had the project been mooted of an Imperial Museum of Science in all its branches, and it was no doubt felt that the present proposal, if acceded to, would only further delay the accomplishment of that project in its entirety. It was indeed ably argued by some of the members that by transferring to Government its geological collections, the Society would establish a claim to additional Government-aid towards its Natural History Museum,\* but the

\* The following extract from the Minute of Mr. Atkinson, then Secretary to the Society, is worthy of insertion here. “It may be considered “certain, moreover, that the Society’s private resources will never be sufficient to maintain a general museum in efficiency. No private society that I “am aware of has ever been able to do this on a large scale, and even societies “whose operations are confined to a single branch of science have constantly “been obliged to relinquish their collections from finding them out-growing “the means at their disposal (e.g. the Geological Society of Dublin and the “Zoological Society of London.) At the same time a good museum is to the “naturalist second only in importance to a good library, I agree with Dr. “Thomson that the society are trustees for science rather than for the donors

majority of the Council were apparently not content to entrust the matter to the possible liberality of the Indian Government. For our own part we think they were right. The separation of the Society's collections would undoubtedly have had the effect of postponing the question of a National Museum. The Government would have considered that it was sufficiently performing its part in the custody and preservation of the geological specimens, and it would probably have also used the argument that the space vacated by that collection might be advantageously utilized in the extension and re-arrangement of the Zoological Museum.

The question of a National Museum, we have said, had already been agitated in the Society. Early in the same year a special Committee had been appointed to consider the propriety of reducing the rates of subscription, and in representing such a reduction as impracticable, the Committee brought to notice the requirements of the Museum, and urged upon the Society the necessity "of drawing the attention of Government to "the importance of establishing a public Museum on a more "extended scale than it is possible for any private body to "maintain." Accordingly, in the following year the question was referred to the consideration of the Natural History Committee, and in consequence of their report,\* it was resolved

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"of collections, and as such I think the great question they have now to consider is, how a good museum may be best obtained. We have now an opening for asking and obtaining more from Government than we are ever likely to be in a position to do again. I would acknowledge with gratitude the desire which Government have evinced to promote science 'for its own sake' in one of its branches at least, and whilst acceding heartily to its "proposal to take into its own hands the charge and maintenance of our geological collections, I would at the same time press upon them the "corresponding claims of science in its other branches, and ask them, if they "are not at present prepared to found and maintain a general museum themselves as they have already done in Madras and Bombay, to grant us a "considerable increase in their monthly subsidy of Rs. 300, which, though a "liberal allowance towards the support of our Museum in its infancy, is very "inadequate to meet the necessities of its present stage of growth. This I "think we might fairly ask, if we meet the wishes of Government now. If "we refuse, I do not see that we shall ever again be able to urge the like "request. Should we succeed in obtaining this increased aid, with a prospect "of further increase from time to time as the demands of our collections "expand with their growth, our museum might become of great and increasing value to science. Without this, I see no prospect for it but starvation and decay."

\* The Society, in advancing its claim to be heard, thus recounts its own services:—"In the face of many difficulties, the Asiatic Society has, it is "believed, continued to advance the cause of knowledge from the days of its "illustrious founder to the present time. Large and important collections "have been brought together and preserved by its means; and an unbroken "series of publications has been maintained in its *Researches and Journal*

“that the Council be empowered to enter into a communication with the Government on the subject of the foundation at Calcutta, of, an Imperial Museum, to which the whole of the Society’s collections, except the library, may be transferred, provided the locality, the general arrangement and management be declared, on a reference to the Society at large, to be perfectly satisfactory to its members.” The terrible events of the mutiny however, which proved fatal to so many good and useful projects, necessitated a further delay; and it was not till the 8th October 1858, that the Society’s Secretary addressed the Government on the subject.\*

“which may generally bear a favourable comparison with the records of the learned societies of Europe, and among the pages of which may be found many most valuable contributions to literature and science.”

\* The following extracts from the Committee’s report are not without interest: “The zoological collections are very extensive and valuable; they have been found on the whole in a fair state of preservation, though they have certainly not received that amount of care of which they are deserving. The Society’s collection of Indian birds is believed to be the largest and most complete of any that exists in any museum in the world, and the series of quadrupeds is very rich. The Committee would here beg to bring prominently to notice, as a result of their present investigations, that the generally satisfactory condition in which the specimens in the Museum have been found, notwithstanding the insufficient care which has been bestowed on them, distinctly shows that the idea, believed to be prevalent, of the climate of Bengal being necessarily destructive to Natural History collections is altogether erroneous. Zoological specimens are undoubtedly perishable objects, but those precautions which will preserve them in the cabinets of a European museum, for precautions are everywhere necessary, will certainly be found equally efficacious in this country also. Any objections therefore to the maintenance of such collections, based upon the special difficulties of preserving them in the climate of Calcutta, must be held to be fallacious.

“The Society’s collection of Fossils is also very valuable, especially those of Tertiary age from the Sewalik range, Ava and Perim Island.

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“The motives which have led the Governments of all other civilized nations to establish museums at their capitals apply with equal force in the case of British India. Nor would arguments be wanting to show that the obligations on the British Government to endow a Museum at Calcutta have even more than usual cogency. For if such a patronage of science is fitting in a national government like that of England, which affects no greater wisdom, no superior civilization, no larger liberality than the mass of the citizens, does it not become a paramount duty in this country, where the rulers are a handful of foreigners who claim for themselves the ability, if not the will, of taking the lead in all improvements?

“The enlightened views which the Government of India have already displayed in the establishment of the University of Calcutta and the Geological Museum, and the intentions which it is understood to have in respect to the formation of College Museums, give reasonable ground to hope that a proposition for the foundation of a National Museum at Calcutta might be favourably received by Government at the present time.”

In the reply which is dated two months later, the President in Council "recognized it as a duty of the Government to establish "in the metropolis an Imperial Museum for the collection and "exhibition of specimens of Natural History in all its branches, "and of other objects of interest, physical, economical and historical, when the existing pressure on the public finances shall "have been relieved." At the same time Government repeated its offer to take into its own custody the Society's geological and palæontological collections—an offer which was again rejected by the Council on the ground that in the prospect of the establishment of a general museum, it was undesirable to separate temporarily one portion of their collections from the rest. An application for a small additional grant to the Society's Museum was also unsuccessful, and the whole correspondence was then forwarded home to the Secretary of State.

In 1862 the subject was taken up again by the Government, which now declared itself prepared to carry out the project. The Society replied by making certain suggestions as the basis on which negotiations might be carried on for the transfer of its collections to Government. These conditions being satisfactorily settled, the question of the proposed transfer was at the commencement of 1864 submitted to the Society at large, and fully acquiesced in with only one dissentient voice. The proposition having received the sanction of Her Majesty's Government, Dr. J. Anderson was appointed Curator in the following year, and the transfer was completed during the last session of the Legislative Council by the enactment of Act XVII of 1866 for the appointment of Trustees.

We have thus traced the history of the new Museum from the day when Sir William Jones laid the modest foundation of his Society "for enquiry into the History and Antiquities, the "Arts, Sciences and Literature of Asia." In doing so, we have necessarily had to introduce some matter relative to the labours of that Society in the progress of science; we wish it had been in our power to enlarge more at length on this subject, and we shall hope to return to it on some future opportunity. It has at times been deplored that the Asiatic Society, whose renown is so inseparably associated with the names of its founder, Colebrooke, Wilkins and Wilson, and to which Professor Lassen has dedicated his '*Indische Alterthumskunde*' as the fountress and indefatigable patroness of scientific investigation in India, has of late years seemed to wander from the paths of literature, and sought employment in another sphere. This is not the occasion on which to review the past literary labours of the Society, or to bewail its apparent decline since the palmy days

of the old Orientalists. That the Society has declined in philology, and that its place has for the present been usurped by the Royal Asiatic Society and the Sanscrit Text Society, we are perfectly ready to admit. and the cause is, perhaps sufficiently obvious. There may have been times too, when the Society has exhibited a supineness and apathy unworthy of its antecedents, but that there are any of the signs of decay about that noble institution, we emphatically deny. Philology is only one branch of the numerous studies of which the Society has been the custodian in India during the last half century, and it is quite possible that by its labours and researches in other fields, it may have fully atoned for any apparent neglect of that science.\* In fact, when we consider the extent of ground covered by the *Asiatic Society* and the varied nature of its pursuits, it cannot but strike us as unreasonable to expect to find surpassing excellence and industry in each particular department. The Society has done much for the natural history as well as for the literature and antiquities of India. From the time when Colonel Lambton's geodesic operations were exciting the admiration of Europe, it has ever been foremost in encouraging the experiments and observations of science in this country, and in publishing their results. Witness the interest with which it chronicled the geological and fossil discoveries of Cautley and Falconer thirty years ago. Those discoveries must ever form an important epoch in the history, as indeed they laid the foundation, of Indian geology. Witness again the zeal with which, as we have already related, the Society took up the project of a Museum of Economic Geology, and otherwise indirectly assisted the labours of the Geological Survey. Archaeology again is another branch of science, the study of which the Society has prosecuted with eminent success. Witness its valuable collection of antiquities lately transferred to the Indian Museum. Witness the discoveries of men like Wilson, Prinsep, Cunningham and Kitto, names that will always be associated with the renown of the Asiatic Society of Bengal. Moved by its representations too, Government has of late years performed its duty to this science by the appointment of Archaeological Surveyor, and it is now to be hoped that the combined action of the Society and the survey may revive the interest of former days, and bring to light fresh discoveries which may help to unravel many dark passages of early Indian history. In meteorology the Society has been carefully chronicling observations since 1823, and Mr. Piddington's memoirs on the Law of Storms appear to be ubiquitous in the *Journal*. The Society's collection

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\* Vide *Englishman*. June 22nd, 1866.



of meteorites is 'also very valuable. Nor has the pursuit of Natural History been more neglected. The establishment of the Company's Botanic Gardens, and later, the foundation of the Agri-Horticultural Society of India, have, to some extent, removed the study of Botany from the sphere of the Asiatic Society, yet contributions to the knowledge of that science have from time to time found their way into the Society's *Journal*, while we have already hinted at the intimate connection which has always existed between the Society and the successive Superintendents of the Gardens. In zoology as wide a field was open, and it is due to the industry and activity with which this branch of science has been studied that the Indian public will soon be able to gaze upon a National Museum, which, it is believed, will reflect no insignificant renown upon this city. In a word, whatever opinion may be formed of the part which the Indian Government has heretofore played in the patronage of science, we may safely affirm that never have there been any scientific operations carried on in this country, which, if not directly originated by it, have not been largely indebted to the action of the Asiatic Society.

Under the arrangement between the Society and Government which has been confirmed by the Act of the Legislature, the former transfers its valuable zoological, palæontological, and archæological collections to Government, receiving accommodation in the same building for its library and numismatic cabinet which it retains. The Government Museum attached to the Geological Survey in Hastings' Street will also be incorporated with the Indian Museum, so that in these sciences at least the new institution commences its existence under unusually favourable auspices.

A Natural History Museum, using the term in its most extended sense as embracing all the known facts relating to the past and present history morphology, and structure, of organic and inorganic bodies, is an attempt to make Nature illustrate herself—to exhibit the sequence of forms in time, their distribution in space, and their affinities. This we regard as the chief and specific object of a public museum, but before discussing the purely scientific value of such an institution, we shall devote a few words to its importance as a means of general education.

The knowledge of things, their properties and mutual relations, is best attained by direct observation of the objects themselves, by the use of the two senses, sight and touch, and in every museum of any pretensions, the attempt is always made to group the specimens in accordance with their known affinities, so that a definite impression is left on the mind of the observer, of a nature not likely to be soon effaced, and a little reflection, on his part, of the mutual relations of the facts observed yields

him the intense satisfaction of having made an ascertained truth his own. Brought into contact as the sight-seer is with objects of the most diverse kinds, he is compelled to use his observing faculties, whether he will or no. The objects of his immediate observation may be apparently very nearly allied to each other, and seeing them placed side by side and bearing different names and coming from different parts of the world, he asks himself wherein the difference lies, and attempts to detect it; in other words, he observes, compares, and generalizes, and every time he is repeating this complex mental act, he is unconsciously adding to his knowledge, and extending the capability of his mind for the reception of truth. Granted that to the uneducated man the objects have little or no meaning, still it is hardly possible even for the most unlettered to visit the galleries of a well-arranged museum, without deriving profit as well as pleasure. It may be the rustic gazes vacantly upon the objects presented to his eyes, but so far as each of these interests him and fixes itself upon his mind, his ideas must necessarily and to that extent be enlarged. The very fact of seeing new things, of wandering for an hour out of his daily routine to discover that the world is larger and has more curious and varied creatures in it than were dreamed of in his philosophy, cannot be otherwise than beneficial to his bucolic intellect.

Nor is it merely the uneducated mind that finds instruction and amusement in contemplating and admiring the varied works of creation, as exhibited in a museum of the natural sciences. There are persons who, with no pretensions to be ranked with scientific men, have nevertheless congenial tastes and sympathies, and while such men have not the opportunity nor perhaps the previous training requisite for making any great discoveries, they are eager enough to adopt the conclusions arrived at by wiser and more experienced observers. They may only have the leisure to gather scientific knowledge in a general manner; and with the assistance of a good descriptive catalogue, we know of few methods in which information may be more rapidly or pleasantly acquired than a day spent in a museum in the study of some particular branch of physical research. There is, perhaps, no department of knowledge so fraught with interest to the popular mind, as that which attempts to investigate the phenomena of life and the structure of organic and inorganic beings. The best proof of the truth of this is to be found in the number of visitors daily crowding public museums and zoological gardens in all parts of the world: and India is no exception. The total number of visitors to the Asiatic Society's Museum during the first months of the present year amounted to 73,198, giving

daily average of 406, amongst whom nearly all the nations of Southern Asia are represented. In the Visitors' Book we find mention of the following tribes and races among the sight-seers :—Bhooteas, Nepalese, Siamese, Burmese, Malays, Chinese, Polynesians, Andamanese, Afghans, Kashmirees, Punjabees, and other tribes of the North-West, and crowds of the Hindoos and Mahomedans of Bengal. Such a list of itself is a powerful argument in favour of the claims of an institution which has the power to draw together and interest such a diverse assemblage of men; they return to their homes, their minds stored with new ideas, and their visit moreover having the effect of spreading abroad a knowledge of the wonders of European science, the museum must in this way, prove a powerful stimulus to the intellectual development and civilization of their respective races.

Regarding a Natural History Museum, however, as a purely scientific institution, we may say, in all truth, that its chief end is to serve as a store-house for the reception of original and type specimens from all parts of the world, brought together either by private individuals, exploring expeditions, or by contribution from other museums. The first object is to collect such specimens, and thus to preserve intact the facts of nature and the discoveries and labours of men of science, and to render them available for the observation and research of those who could not otherwise have the opportunity of familiarizing themselves with the relations of an extended series of natural forms. The facilities which such collections afford for the identification of species by well-authenticated specimens are known to every naturalist who aims at certainty in his identification. The great value however of type specimens has reference to the future progress of science, as their preservation has undoubtedly exercised a powerful and beneficial influence on its past history. Where such specimens have not been preserved, it has been necessary for naturalists to rely solely upon written descriptions, which obviously may contain within them many elements of error arising from imperfect knowledge or observation. It not unfrequently happens, in the subsequent study of similar specimens from different localities, that doubts arise as to certain details of the written definitions, which can alone be solved by a reference to the original materials, or again it may be desirable to re-examine the specimens in relation to some new point of interest, which may have arisen from more extended research. The careful preservation, therefore, of an object which has been the subject of exhaustive description, and the discovery of which may have given intensity and meaning to some aspect of physical truth hitherto little understood, is a duty

incumbent upon those who have the interests of science committed to their trust. Specimens are the pillars or foundations on which the whole superstructure is built. Preserved in a general museum, the history of science can, with a little painstaking study, be read from them, and the truth of the deductions, which have been made by original observers, can be tested by a direct reference to the materials from which they were derived. If a series of such objects may be said to contain in them a history of science, they are therefore, to that extent, the most perfect means by which a definite conception of the scope of the relations of the science and the nature of its generalizations can be conveyed to the mind of the student. The mastery of the facts of any one science is the work of a life-time, and at the best will be but imperfect, when we remember the remarkable interdependence and complexity, or we might even say involution of all natural operations, and how impossible it is for the naturalist to have a philosophic grasp or understanding of the phenomena of his special science, if he does not possess a general acquaintance with those which come under the domain of other and cognate departments of research. The chemist, for instance, to have an enlightened comprehension of chemistry, must be practically familiar with the forms of minerals, and understand the laws of crystallography, but if he aims at being an authority on inorganic chemistry, he must rest content to derive his knowledge of mineralogy from the recorded observations of others and the study of specimens preserved in museums, without entering the field as a professed mineralogist. The more men become specialists in this sense, the more rapid will be the progress of scientific discovery, and there is no more valued aid to this form of specialty than a general museum, in which the science, whatever it may be, is set before the student in a symmetrical and compact form, enabling him in a very short time by careful observation, and assisted by his presumed proficiency in a nearly allied branch of investigation, to acquire rapidly all the information that is necessary for his purpose. Even recent zoology itself presents such a diversity of objects that it would be impossible for any single individual to become familiar with them all, if the acquaintance of each had to be made by personal and independent research. Fortunately this is unnecessary, so long as we have in public museums the opportunities for the rapid acquisition of ascertained facts in each department of science, in the exhibition of complete series of specimens, arranged and classified according to their affinities.

The biologist, geologist, and mineralogist, as observers and interpreters of the facts and phenomena of nature, have doubtless

advanced on their career of discovery, but a great *terra incognita* lies before them, and indeed they have scarce commenced their march through it, possessing as yet but the most vague and imperfect outline of its physical features, for which even they are indebted to researches so modern as those of the distinguished naturalist and philosopher, Darwin. In biology one of the great problems to be solved is, what is the life-history of a species? Is each species an independent creation, or are species related to each other by descent? Now in mapping this new and unexplored field, unless this eminent discoverer had had the old landmarks as his guides to rely upon as the means of verifying his observations, we are convinced that his admirable speculations would have been lost to science. For, although perhaps the direction in which these researches should be prosecuted was suggested in the course of his extended travels, yet there can be no doubt that the materials which led to his generalizations were derived from the investigation of the animal forms stored in our great national collection. And it is a fact that by means of museums some of the most philosophical generalizations in biology have emanated from men, whose lives have been spent within the narrow limits of their native country.

The biological department of a general museum will always illustrate the past history of organic forms, as well as their present number and distribution in space, and these two departments, palæontology and recent zoology, are so inseparably united, that it is impossible to understand aright the ascertained truths of biological science without an intimate acquaintance with the facts of both. All our knowledge of the relations of extinct forms is based, as every one knows, upon the facts of recent zoology, and hence the great importance to the palæontologist that the comparative series of recent forms, in a general museum, should be as perfect as possible. As the remains of extinct plants and animals seldom or never preserve their original internal characters, and as what usually remains are the hard parts and skeleton of the animal and the fibrous or woody tissue of the plant, a museum, to be of any practical use to the palæontologist, should possess one rich comparative series of *endo* and *exo* skeletons of animals, and another illustrative of the structure of the vegetable kingdom.

The value of local specimens in a museum is obviously greatly enhanced by the presence of corresponding specimens from other parts of the world, for the purpose of comparison and for registering the facts regarding local variation. This class of facts is of the highest importance to systematic biology, it being impossible, in the majority of instances, rightly to appreciate the

value of specific characters, unless individual examples of the species have been carefully examined from the extreme confines of the area of its distribution. This is indeed the only method which will lead to correct conceptions regarding the limits of the variation of species. We are inclined to think that if these phenomena studied in connection with the physical and climatic conditions of the districts in which the respective forms are found, much might be accomplished in elucidating the causation at work in producing local varieties. It is at the same time true that in such enquiries we must never lose sight of the mass of facts, which force upon us the conclusion that there are internal causes in operation in the animals themselves, tending to produce a certain capacity of variation, and that in given directions. By collecting the local forms of species, we should be enabled to determine the characters which are most subject to variation.

In connection with the deeply interesting but abstruse question of the variation of species, there is a familiar aspect of it which however, as it appears to us, has not received that general attention which its importance deserves. We refer to human influence as a modifying cause of external characters and structure. Much valuable information has already been contributed on this subject, but no definite result has been attained regarding the original stocks from which the many diverse breeds of cattle, and other domestic animals, have originated; and the imperfection which characterizes our present knowledge of this department of zoology is no doubt to be attributed to the fact, that hitherto the enquiries have been based too much upon preconceived ideas, to the exclusion of practical observation and research. Now, there is probably no country in the world which presents such a rich array of facts for investigation in this section of recent zoology, than is to be found in this region \* which boasts of a civilization second to none in its antiquity.\*

\* These remarks have been suggested by a letter of Professor Agassiz on this subject, which was lately submitted to the Asiatic Society of Bengal, and as there is no greater living authority on such a matter, we quote some extracts. "A great problem, bearing upon the history of the progress of civilization, still awaits a solution at the hands of naturalists. Where historical documents are wanting, the facts of nature may guide the student; and in the case of the origin of domestic animals, we have hardly any trustworthy tradition, though wild animals closely related to them have been found all the world over. It has therefore occurred to me that a careful comparison of these wild animals with the various breeds in a state of domesticity might throw some light upon the first seats of agriculture and human civilization. But the materials for these comparisons are wanting. I would begin with cattle, as of all our domesticated animals

And it is in the power of most men of education to assist in the investigation of an enquiry of this kind, by accurate notices of the habits of the wild species, and by remarks concerning the uses to which the domestic breeds are put, the amount of milk they give, the size and weight to which they grow in different countries, the age they reach when they first calve, the length of gestation and how long they continue to bring forth young, &c. We would further suggest that they should contribute to the Museum in Calcutta full-grown skeletons of the sexes and young of the various breeds for comparison with each other and with those of the ferine races.

An early opportunity will probably present itself for extending our knowledge on this subject in the prospect of Dr. Fayer's proposition for an Ethnological Congress of the races of Bengal. It appears to us that the value and interest of such a Congress, which by the way it is proposed shall be held in connection with the Agricultural Exhibition of 1867-68, would be greatly increased, if the various tribes of men were accompanied by sexual examples of their domestic breeds of cattle, sheep and goats, and of the implements which they use in the prosecution of their primitive agriculture. In many cases, the animals, like the men themselves, would be semi-ferine, and great facilities would thus be afforded for observing and registering the results of domestication, when the causes in operation are tribes of men in every degree of civilization. The mass of facts which would thus be collected, would prove a mine of wealth for further research, and lead to issues of the highest moment to our knowledge of the history of man. And probably the same difficulty would not be experienced in procuring examples of the various tribes for the purposes of the Congress, if they were to be accompanied by specimens of their various domestic breeds and agricultural implements, as will doubtless suggest itself, if the men and women are asked to attend the exhibition without any definite inducement being held out to them.

In considering the special uses and value which may fairly be expected from the Indian Museum, not the least will be the adoption of a universal and more accurate nomenclature. If the Museum is to be of more than local interest, if it is to contribute to a more thorough knowledge of the natural sciences throughout

"it is most intimately connected with the progress of human culture." In referring to the various theories which have been advanced regarding the origin of our domestic breeds he says: - "These suppositions cannot stand the test of a close criticism, and it now becomes necessary to look further east for its probable origin, especially since philology and history point to India as the primeval seat of civilization."

the world, it is all-important that the specimens should be distinguished in conformity with the generic and specific names by which they are known to men of science at home, so that naturalists in both countries, when they have occasion to mention a genus or species, may be using terms which will be mutually intelligible. The only satisfactory way in all cases of doubt by which this can be accomplished, is by sending to Europe for identification a duplicate series of specimens with numbers attached, corresponding with those affixed to the specimens retained in the Museum, the latter to be named in conformity with the numbered list, when it is returned to this country. If this uniformity with European nomenclature is carried out in the Indian Museum, this institution will be in a position to accomplish one of the essential ends for which it has been established, in providing a treasury of reference which the scientific men of India may consult in all cases in which they have any difficulty as to the identification of species, or doubts relating to the generic and specific terms which are entitled by priority to general adoption. If the Museum is properly conducted, and if the Director is ultimately provided with an able assistant in each department, (and this will undoubtedly be necessary, if the Museum is ever to contribute any results of value to science at large by the elucidation of Indian biology), the institution will be enabled to receive for the purposes of identification the private collections of naturalists, and thus contribute much to our knowledge of the numerical strength of species, their geographical distribution, and the amount of variation to which they are subjected by physical, climatic, human and occult causes. One very important end which would be arrived at by the adoption of the foregoing method, would be the elimination of the very many errors in nomenclature which have crept into Indian systematic biology. Under the great difficulties with which naturalists have to contend in India, these imperfections were to be expected, as in the majority of instances, when their descriptions were drawn up, they were far removed from all those valuable aids to identification which afford such facilities to investigation in civilized lands. Let the circumstances be remembered under which these men prosecuted their discoveries, and we are convinced that every generous mind will applaud the decision of character, oneness of purpose, and scientific ability and zeal which carried them so successfully through the many difficulties that surrounded them on every side, and enabled them to contribute so extensively to our knowledge of the Natural History of this country. They were deprived of one great aid to research—the means of informing themselves of what had been already accomplished



in the domain of Science; scientific literature was a sealed book to them, and no museum was available in which they might successfully prosecute their critical studies.\*

It is quite possible that certain Indian naturalists may have laid themselves open in a very marked degree to the charge of a want of precision in their descriptions, and in having given an undue prominence in certain instances to some of the variable characters of species, a quicksand which doubtless would have been avoided by increased experience and more exact observation. At the same time, we much regret the hypercritical remarks on their labours with which some English zoologists have, in a captious spirit, burdened the pages of their monographs, founded in some instances that we are aware of on ignorance or at least imperfect knowledge of the facts as they actually exist in this country, and which no amount of cavilling will alter. In a tropical climate, the obstacles to original enquiries by Europeans are very great, and we think that the most becoming attitude of science at home would be to act as the foster-parent to her children in other and less favoured regions, rather than to discourage their growth by fastidious criticism.

\* A notable instance of the truth of our remarks will recur to those who call to mind the adverse conditions under which the brilliant discoveries of Falconer and Cautly in the Sewalik range were prosecuted. The point was prominently noticed by Sir Charles Lyell, when, in conferring the well-earned honours awarded them by the Geological Society of London, he justly eulogised their indomitable energy and perseverance and scientific enthusiasm. "They were not versed in fossil osteology, and being stationed on the remote confines of our Indian possessions, they were far distant from any living authorities or books on comparative anatomy to which they could refer. The manner in which they overcame these disadvantages, and the enthusiasm with which they continued for years to prosecute their researches when thus isolated from the scientific world, is truly admirable. From time to time they earnestly requested that Cuvier's works on osteology might be sent out to them, and expressed their disappointment when from various accidents those volumes failed to arrive. The delay perhaps was fortunate, for being thrown entirely upon their own resources, they soon found a museum of comparative anatomy in the surrounding plains, hills and jungles, where they slew the wild tiger, buffaloes, antelopes, and other Indian quadrupeds of which they preserved the skeletons, besides obtaining specimens of all the genera of reptiles which inhabited that region. They were compelled to see and think for themselves while comparing and discriminating the different recent and fossil bones, and reasoning on the laws of comparative osteology, till at length they were fully prepared to appreciate the lessons which were taught by the works of Cuvier. In the course of their labours they have ascertained the existence of the elephant, mastodon, rhinoceros, hippopotamus, buffalo, elk, antelope, deer, and other herbivorous genera, besides several canine and feline carnivora."

The *locale* of the Indian Museum, and the more immediate object for which it has been founded, *viz.* the exposition of the Natural History of the Asiatic continent and its Archipelago should give it the first and greatest claim upon the support of all scientific men and institutions throughout this country; and its power as a means of popular instruction, as an aid to systematic study, and as a treasury of materials for original investigation, will be in direct relation to the assistance which it receives. The more its collections are increased by the addition of fresh objects, the more will its influence as an instrument of education and scientific progress be advanced. The object aimed at is the formation of a central or national museum for the reception of all specimens illustrating any point of interest in the natural history of Asia, a great repository of established facts with which the scientific investigator, in all cases of doubt, may compare and supplement the results of his own researches. Herein lies one of the chief advantages of a central or national museum. Where rare and valuable specimens are diffused among private collections, it is frequently impossible for the naturalist to examine them. Where they are dispersed among numerous public museums, the difficulty is only to some extent removed. It is obvious, therefore, that the collection of as many type specimens as possible in some central locality is the method which is most conducive to the interests of science. It is to be hoped that the Indian Museum will henceforth be the means of locating in Calcutta many such specimens which, under the impression that the Asiatic Society had already in its charge a larger collection than it could well take care of, would heretofore have been distributed among the various public and private collections of Europe. As a central museum, it will continually be receiving donations of natural objects from all parts, and in time a large store of duplicates will be amassed, and we hold that the formation of such a series forms a very important part of the functions of an institution like the Indian Museum.

The use of duplicates is two-fold,—*first*, to advance science by supplying to original investigators, wherever they may reside, fresh materials for actual study, and, *secondly*, to diffuse knowledge by providing local museums, colleges, and other educational institutions, with the properly identified and labelled specimens necessary to give definite ideas of the relative diversities of the various productions of nature. If these specimens are distributed in the way indicated, and if full advantage is taken of their practical uses by the institution of lectureships and professorships of the natural sciences, the description in the classroom of the objects themselves forming the substance of the course of

instruction, we feel assured that such a system will prove an active power in stimulating the minds of the youth of this country to habits of exact and patient observation, and tend to develop original thought. In the mere description of objects which are not present to the eye of the student, and in the barren statement of the general laws which have been deduced therefrom, the memory is overburdened with meaningless terms, and a hazy and indistinct picture is produced upon the mind. On the other hand, it is obvious that where the distinguishing characters are demonstrated by a direct appeal to the senses of sight and touch, the comparative method being applied, so that the relative position of parts is shown, and the serial homologies of the organs explained thereby, the student carries away with him a definite image of the object, and a memory stored with an intelligent understanding of its comparative relations.

Such lectureships it will probably be found convenient in the Presidency town to establish in connection with the Museum itself, but it is to be expected that ere long some of our Mofussil colleges, as at Hooghly, Patna, and Benares, will be demanding their Professors of Natural History, and for these duplicates will be required. The point did not escape the attention of the Society, when urging the claims of the museum upon Government. "A museum like that contemplated," writes the Secretary, "ought not to be viewed as a portion of any merely scholastic arrangements. Once classified, catalogued and arranged, the valuable specimens which would form the main series of such a public museum must not be removable, and more especially must not be subjected to the risk of breakage and loss which their use in the common class-rooms would entail. From the many duplicates however which every such collection affords, a perfectly effective, though limited, set of specimens in each department could readily be supplied for lecturing purposes. A public museum of the kind contemplated would form a most valuable and a most essential portion of all complete educational arrangements, but in the opinion of the Council, it ought not to be made subordinate to any individual school or college. It should, they think, be viewed rather as an adjunct to the university, than as a part of any mere collegiate plan. It ought to be as it were the general library of reference and consultation for all students of all schools, not the lending library of one alone."

The Indian Museum will thus possess in an eminent degree, the greatest opportunities and facilities for the exposition of the facts and doctrines of the natural sciences. Its biological

cabinets and galleries will be stored with specimens illustrating the succession of the organic forms of this region in time, their relation to recent forms, the structure of these and their distribution in space. Geology will have the facts of petrology and the more important and interesting phenomena connected with the deposition, consolidation, stratification and disintegration of rocks explained by specimens of the rocks themselves, by accurate models, instructive diagrams, and correct reproductions in drawings of the geological features of natural scenery. The deeply interesting science of mineralogy will have its varied specimens and beautiful series of individual forms exemplified by models explanatory of the laws of crystallography. The history and development in Asia of man's inventive faculty which directs his energies to the production of works of art, will be read as far as possible from its rich archæological collections, while ethnology will be illustrated by casts taken from well selected examples of each race and by a valuable collection of pelvises and crania. This department will also include the productions of the industry of modern tribes, who as yet are strangers to civilization, the consideration of which is intimately connected with antiquarian research, as exhibiting the different progressive stages through which men pass ere they attain to civilization properly so called. The various degrees of present human development are tolerably faithful reflections of successive phases of development in antiquity.

In the foregoing remarks on the scope and aim of the Museum we have only incidentally referred to a most important section of zoology, which is as yet wholly unrepresented in the collections,—the comparative anatomy of the soft parts of animals. In nearly every European museum, the materials for the illustration of the internal structure of animals have been contributed by local zoological gardens. With a collection of living animals as the handmaid of the museum, and with an able prosector attached to it, whose duty it would be to anatomize and preserve the structural peculiarities of the various creatures after death, a vein of untold wealth would be opened in the field of comparative anatomy. In illustrating this department no better model could perhaps be imitated than the museum of the Royal College of Surgeons, London, which contains a unique and grand collection explanatory of anatomy properly so called. The series are arranged according to the organs, and starting from the simplest form they follow the successively and progressively more complex condition of the same organ, terminating in most cases with that which exists in man. If a plan similar

to this were adopted, the museum would be in a position to lay before Indian naturalists a phase of zoology which has hitherto received too little of their earnest attention, forming as it does the groundwork of any natural system.

The foregoing however is only one of the secondary practical uses of a zoological garden, which has moreover a further utility of its own in affording instruction and recreation, in providing facilities for the study of the habits and instincts of animals, and opportunities for testing their capabilities for acclimatization.

The information to be gained in a zoological garden is in a certain degree akin to that which may be derived from a Natural History Museum, and the mental exercise is nearly the same in both instances, with this difference however, that a greater acuteness of observation is necessary in the analysis of the complex phenomena of life than is requisite in the discernment of purely physical characteristics,—the subjects of sensation. The specimens being full of vital activity, and each having habits and instincts peculiar to it, a much more vivid mental impression of the individuality of each animal is produced than can be obtained from the mere study of the lifeless form. The recollection of any peculiarity in the habits or instincts of an animal which has been seen and noted by the observer, assists the memory in retaining an enduring image of the creature itself. If the descriptive catalogue contains a short notice of each specimen, (and the extent of a zoological garden usually permits of this in a volume of moderate size,) pointing out its internal characters, its relation to other animals, and detailing its known habits and instincts, and the food on which it lives, we combine one of the most perfect means for communicating instruction in natural history, and one of the most pleasant methods by which knowledge can be acquired. As the visitor wanders through the well-planned grounds and at intervals is introduced to animals, some of which may be familiar to him by name, but of which he may have previously formed erroneous conceptions, whilst others may be entirely new to him, his mind finds in the novelty of the objects, and in the many interesting and amusing traits which they exhibit, recreation of the purest and most healthy description.

The instincts of animals are quite as essential as corporeal structure to the wants and existence of each species and one of the most important objects of a zoological garden is to provide facilities for observing and registering this class of facts, which are as numerous and varied as are the objects of creation. Such investigations have reference to the diversities

of instinct and its relations to the physical and physiological functions, and to the life-wants of the animals in which it is manifested. Researches however of this kind conducted on animals in confinement, must necessarily in many instances yield imperfect results, as the restraints which are placed on the natural habitual actions and instincts act as a powerful modifying cause of these phenomena. The animals, in the majority of cases, have their food provided for them without any active effort on their part, and this of itself modifies all those interesting series of habitual actions and instincts, which in a state of nature they exhibit in procuring their daily sustenance. And in how many instances are we denied any information regarding their sexual habits and instincts, because confinement from some unknown cause is unfavourable to the integrity of their reproductive systems? The results yielded by such observations are of the highest value and interest in explaining and elucidating the modifications, variations, or total loss of instincts, when an animal is subjected to an altered condition of life, all of which points are intimately connected with the variation of species, although, as Darwin has pointed out, they may be subordinate in importance to the effects of the natural selection of accidental variations, that is, variation produced by the same unknown causes which originate physical variation.

If greater care and attention however were bestowed on such details as space, temperature, food, cleanliness, and hiding places, and if the attempt were always made to place the animals in conditions somewhat analogous to those of their native countries, it is probable that they would be found to conform more nearly to their natural habits and instincts. Such natural conditions, it is obvious, as regards the majority of the brute creation, can be far more easily secured in a tropical, than in the most temperate climate. Placed in the open air, protected simply by a wire-fence enclosing small trees and shrubs for shade, sleeping places and food, the animals would enjoy comparative freedom, and therefore to that extent be most advantageously situated for observation. At the same time there are numerous examples of every type of animal from sponges to mammals, whose systems do not greatly rebel against the restraints of confinement; and all of these can be made the subject of careful study. Their constitutions possess such a power of adapting themselves within certain limits to countries with external conditions differing to some extent from those of their own, that they can frequently be made the successful subjects of acclimatization.

As a general rule, all efforts at acclimatization aim at increasing the wealth and productive resources of a country, and have reference therefore solely to those animals which may be made directly or indirectly useful to man. The practicability of such experiments depends however, to a great extent, upon the capabilities of the country for the reception of new forms of life with a prospect of the animals thriving, and at the same time not proving detrimental to the already established races, domestic or in a state of nature. The country which presents the greatest diversity of physical conditions, will necessarily be that which offers the greatest facilities for acclimation, and in this respect, India, with a range of climate and physical conditions hardly to be equalled in any other part of the world, may probably claim precedence. The traveller in a few hours can be transported from a tropical climate to one purely temperate, and from the monotonous level of the Gangetic plain to the midst of grand mountains which have no rivals in nature. A wonderful diversity of animal forms could thus be made the subject of illustration. In addition to the rich fauna of Southern Asia, the remarkable animals of Australia, Madagascar, Africa, and Southern America might find a place, and many others from extra-tropical or even from temperate climates might be represented. We say this advisedly, for we lately visited in Calcutta a collection of animals from Europe and North America, all of which were in the most perfect health, although they had passed through two tropical summers.

And yet with all these opportunities, with a vast region before us characterized by every possible phase of climate and physical feature, we have not yet attempted to introduce into this country one single animal of commercial or domestic importance. Something perhaps has been done by private individuals of late towards improving the domestic breeds of India by importations of superior specimens of similar species from England, the Cape, and Australia, and much good may also probably be expected from the wide interest taken by Europeans and the leading zemindars in the Agricultural Exhibitions which have now become an institution of the country.

The Indian Government has won the estimation of all scientific men in Europe for the active interest which it has taken in the duty of utilizing and improving the vegetable products of its territories. The Botanic Garden has been instrumental in determining the commercial importance of many native trees and plants, which have thus become the source of great wealth to the country, and in introducing foreign plants of utility and pointing out the localities best suited to their habits of growth. Similarly, by the organization of a Geological Survey, the

Government has sought to extend our acquaintance with the mineral and agricultural resources of this empire. A Zoological garden could confer advantages of a like kind, by ascertaining the economical value of certain animals and the uses to which they may be applied, by showing what species are injurious to agricultural operations or destructive to more useful animals, devising means for keeping the one in check, while encouraging the acclimation of the other. Such an institution therefore has claims upon the consideration of Government, and we sincerely trust that many more years will not be suffered to elapse before Calcutta is enabled to boast of her Zoological Garden. The collection at Madras is well known to be comparatively worthless, while that at Barrackpore is not deserving of the name. On the other hand, there is an extensive collection established at the Cape in connection with the Natural History Museum, and Melbourne can boast not only of an excellent Garden, but of her Acclimatization Society. It is to be hoped that Calcutta, the largest, wealthiest, and oldest European city of the East, will not continue much longer to labour under a disadvantage in this respect, compared with other colonies of Great Britain.

With the aid of a Zoological garden in Calcutta, many experiments in the acclimation of animals economically important might, we venture to think, be prosecuted with success. Such an institution would moreover afford valuable assistance in receiving and forwarding specimens intended for observation in other localities of India, in contributing animals to acclimatization and zoological gardens in other parts of the world, for which it would receive in exchange fresh materials for further research. This system is adopted by the Zoological Society of London, and by the Acclimatization Gardens of Paris and Melbourne, all of which have been the means of introducing many valuable animals into their respective countries. The foundation of a sister institution in Calcutta, which lies in the centre of the richest fauna of the old world, would be hailed by these Societies as inaugurating a new epoch in their history, and they would at once claim to be affiliated. The diversity of Indian animals and the circumstance that few examples of them have yet reached other countries would contribute to the success of the proposed establishment, as zoological gardens throughout the world being more or less interested in its foundation, would do everything in their power to ensure its prosperity.

And what, we may ask in conclusion, is to be the future of the Asiatic Society? Is it indeed the fact, as seems to have been at one time feared, that the transfer of its valuable collections to Government is likely to endanger the stability of this



noble institution? Is the Society linked so intimately with its museum as to be unable to exist without it? For our own part we have already stated our conviction that this argument was never employed by anyone *bonâ fide*. The Society commenced its existence without a museum, and had existed for thirty years before a museum was thought of; and is it asserted that now, when the Society has attained strength, vitality and influence, it will languish and ultimately die, because forsooth its researches in science will henceforth be aided by a munificently-endowed Imperial Museum in the place of its own necessarily limited and imperfect collections? On the contrary we believe it may be equally as useful, equally as popular, and equally as famous an institution as it has ever been. Nay, we would go so far as to say that the Indian Museum, if properly supported, will afford the Society the means of attaining even greater renown in modern science than it reached in the days of Prinsep and Wilson. To say nothing of the increased facilities for investigation and identification, presentations to the Museum will probably continue as heretofore to be made through the Society, will be discussed at the Society's meetings, and described in the Society's Journal.

But putting aside altogether the consideration of the Museum, we shall endeavour to point out the direction, in which we conceive the Society may well exhibit increased usefulness and activity, and we do so with the less hesitation, because it seems to us that the moment has arrived for more extended operations on the part of the Society, and that it is important that the opportunity should not be lost, of occupying the wide field of action now open to its forces.

One consequence of the transfer which has just been completed is obvious. Relieved of the expense attending its collections, the Society must gain in a pecuniary point of view, while the more general diffusion of science can only have the effect of expanding its subscription list. The surplus funds thus placed at the Society's disposal, it is no more than fitting, should be devoted to the furtherance of scientific pursuits, and there are two ways in which this object might be satisfactorily attained. The Government-grant towards the support of its literary labours will not be interfered with, and the continued publication of the *Bibliotheca Indica* will probably meet all the requirements of this department. But a most important object which the Society should at once set before itself, and of which it should not lose sight until attained, is the formation of a complete and standard consulting library for all India in every department of literature and science. That this country does not yet possess

such a library is, we think, a disgrace alike to the Government and to the Indian public. The position which the Asiatic Society occupies points it out as the most fitting instrumentality through which this disgrace may be effaced, and we earnestly commend the project to its most serious consideration.

But there is much to be done, and which must be done by the Society, in the more active pursuit of the sciences themselves. In physical science India has yet to make a name for itself. Who would imagine for instance, that notwithstanding the superior adaptability of an Indian climate for celestial observations, little or no advance whatever has been made in the science of astronomy in this country? Here then is a new field open, and comparatively unexplored. The Society certainly did its part in introducing the Hindu solar system to the notice of the learned; it is perhaps no less incumbent upon it (unless it simply aims at being an antiquarian body) to endeavour to keep pace with, even if it cannot anticipate and advance, the progress of modern astronomical science.

Hitherto the Society has been content to accept and chronicle whatever has been voluntarily contributed from without; it has rarely, if ever, organized any grand system of acquiring scientific information for itself. It has depended solely on the labours of amateurs, *dilettanti* men of science, and it has not even been at the pains to generalize from, or even to systematize, the results when supplied to it. It has taken for its motto that appeal to scientific men, which its founder might well urge in the infancy of the Society, but which will scarce suffice for the wants of the present day.\* For now perhaps it behoves the Society to take up a more active, a more aggressive position. It must organize scientific expeditions and other such measures of acquiring information for itself. Let it select certain departments of science and devote itself with a set purpose to work them out. Let there be some plan, some order and method in its proceedings. Literary *desiderata* have not been unknown to the Society, and have indeed been productive of highly successful results. A statement of scientific *desiderata* would similarly be attended with the

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\* "It will flourish, if naturalists, chymists, antiquaries, philologers, and men of science, in different parts of Asia, will commit their observations to writing, and send them to the President or the Secretary at Calcutta; it will languish, if such communications shall be long intermitted; and it will die away, if they shall entirely cease; for it is morally impossible, that a few men, whatever be their zeal, who have great public duties, to discharge, and difficult private studies connected with those duties, can support such an establishment without the most assiduous and eager auxiliaries." Introduction to the Asiatic Researches, Vol. I.

acquisition of much valuable information, while the observations might be made as complete and perfect as possible, if supervised by the Society itself. Take for example the marine zoology of the Bay of Bengal, of which little or nothing is known at the present day. Aided by Government, why should not the Society superintend the movements of an exploring expedition, which might open this treasury of natural history to the scientific world?

Nor is it merely by organizing scientific expeditions to explore the fauna and flora of particular districts, that the Society has it in its power to afford material aid to the progress of knowledge and truth. Much may be effected in a simpler and less expensive manner, by a systematic use of the same voluntary instruments upon which it has hitherto solely depended for support, and by pressing others into its service. And in adopting the scheme we are about to propose, we believe that the Society would be taking the best steps towards enhancing its future popularity and prosperity. It will not be denied perhaps that, however crowded may be its meetings in Calcutta, there is throughout the Mofussil generally an apathy and a want of interest as regards the Society's proceedings. The majority of its members are apt to think that all that the Society asks from them is their subscription, and they look upon the Journal as being but a very poor return. In large centres they have, it is true, exhibited more interest in the pursuit of science and been led to effect combinations for the extension of their researches. Branch Societies at Lahore and Nagpore have lately been affiliated to the Parent Society at Calcutta, and a similar institution, we believe, is in existence at Lucknow. But these movements had their origin in the Mofussil, not in Calcutta. They may rather be compared to independent rivers coming to swell the mighty stream, than to branches springing out of and deriving life and nourishment from the same parent stem. The Society undoubtedly has within itself the elements of a grand universality, and the time has probably now arrived when it has become incumbent on it to apply these elements with a view to extend its operations. Its members are scattered over the whole of the British Empire in the East, and command the greatest facilities for original observation. It should endeavour therefore to awake their interest and sympathy, making them feel that, while the institution is one to which it is an honour to belong, its vitality nevertheless depends upon their individual exertions and activity. Now if, in addition to the Branch Societies which may have been organized in conjunction with the Parent Society of Calcutta, local

committees were also established, subordinate to and in direct communication with such Branch Societies, it is obvious that the machinery would be perfect for working out any department of science with the greatest success. In fact it seems to us that there need be scarce any limit to the formation of such local committees. Officials in India are, as a rule, highly educated men; the professional surveys have given to India a sprinkling of really scientific men. Wherever therefore two or three such men could be found in the same station or neighbourhood, a local committee would be ready at hand for the exploration of the antiquities, the geology, or natural history of the district. Most men in India again are sportsmen, and the excitement in the field would probably be none the less, if to it were super-added a scientific curiosity and interest as to the prey of the gun or spear. Such committees then would work in communication with a central committee which would propose to them definite objects of research, and by which their operations could be guided, superintended and controlled. The advantage of our proposal must be obvious. We assume that our central committee is composed of scientific men, and that having ready access to the Society's library and proceedings, they are in a position to see what progress has been made in any department, and what remains to be achieved. It follows that they are fully competent to advise and instruct the local committee in those very points in which *Mofussil* members of the Society are placed at a disadvantage. The observations being subsequently placed at the disposal of the central committee, would be digested, revised and edited thereby, and thus, while individual members had the gratification of seeing their labours duly recognized in the pages of the *Journal*, the results would be given to the world under the authority of a responsible body, and would be accepted by scientific men as bearing the stamp of the Society's renown.

The procedure of the system we have proposed may best be illustrated by the ethnological researches which have of late been engaging the Society's attention. Indeed, if Dr. Fayer's proposed Congress is ever to effect the great results which are expected from it not only in this country, but among the most eminent naturalists at home, we are convinced that it must be aided by the organization of some such machinery as we have sketched above.\* It is quite possible that the information submitted to Government on the subject may contain much that

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\* Central committees, we understand, have since been organized, while these sheets were passing through the press.

is new and interesting, but it can hardly be expected to possess the same scientific value which it would have had, if collected under the immediate supervision and direction of an eminently scientific head. We have not a doubt that the Commissioners and Collector-Magistrates consulted would perform this, as every other of their numerous and multifarious duties, with the most scrupulous industry and integrity; but it were almost as unreasonable to expect that every public officer should be a finished ethnologist, as that he should spend his days in geologizing and searching for coal-measures throughout his district. The agency which we propose to place at the disposal of the Society, might not only be expected to take more than a passing official interest in the subject, but to accomplish the work more satisfactorily in a scientific point of view. Guided as such local committees would be by an able scientific body, they would enter on their task with all the known information on the subject furnished to them, and with their attention drawn to the special points requiring elucidation. And with properly-organized central committees to consolidate and systematize the results, we might hope to acquire such an array of facts upon the physical characteristics, the languages and habits of the various races of India, as would enable very accurate generalizations to be deduced.

We look upon the future of the Asiatic Society then as peculiarly promising. Useful it is certain to be, and it will probably be also brilliant. Only let the Society be true to itself, and exhibit steadiness and unity of purpose in the pursuit of truth. Let it seek to extend its operations, so as to invade every department of science. And while it is careful to draw within itself all the scientific talent of India, let it not despise the weaker members, but endeavour rather to economize and encourage their exertions by employing them in the observation of facts. And when reflecting upon its former glory, instead of bemoaning the lack of Prinseps and Wilsons in the present day, let it remember that the whole field of science is still open, and that there is much remaining to be explored on every side. Prinsep and Wilson undoubtedly did much for the consolidation of the Society, but we are as fully convinced that the Society may itself do much towards raising up among us Prinseps and Wilsons of the present generation.

ART. VII.—*The "Times" Newspaper.*

PROBABLY there is no question affecting England of greater importance to England than the condition of the European soldier. It is a subject trite, hackneyed, much discussed, and yet by no means threadbare. Indeed of the many who have discussed it, few have dived beneath the surface. It is a subject which civilians have shrunk from, which military men have indeed approached, but with which, from the prejudices of their military training, they have been peculiarly unfitted to deal. And yet, never in the history of England has that subject attained to so great importance as at present. India now swallows up 70,000 English soldiers. Amongst these the casualties from deaths and invaliding alone amount annually to upwards of four thousand.\* Besides these, the number of discharges after limited period of service is annually increasing. Notwithstanding the many ameliorations that have taken place in the conditions of military service of late years, that service is becoming every year less and less attractive. At a period when the demand for labour is increasing in the English market, when America, Canada and Australia offer the most powerful inducements to the enterprising and the industrious, service in the army has become more than ever a last resource. We cannot wonder at it. Who indeed, possessing a spirit alive to the promptings of a natural and laudable ambition, would care to enter a service, the emoluments of which have, amidst the general growth of wealth, continued stationary; any rise in which beyond the non-commissioned ranks is so exceptional as to be regarded as impossible; a service in which a man ceases to be, in mind as well as in body, a free agent; in which demoralisation is scarcely to be avoided; in which marriage † is

\* In the year 1864, the loss to the service by death and invaliding in the Bengal Presidency alone amounted to 2,330 men. In Bengal the total number of Europeans is under 40,000.

† In illustration of this we append the following letter, which has gone the round of all the English Journals, from a married private quartered at Chatham. He thus writes,—“There are three or four families living in one hut without any partition or screen between them of any description. My wife said to me, ‘Jack, we must have a screen between us and Mrs. B——, for I cannot stop here without it; I cannot dress and undress in the front of three strange men. And our child! Oh, Jack, how can we bring him up here?’ ‘You are quite right,’ says I; ‘but I have to pay your fare here, and that will cost a good deal of money.’ ‘Never mind, Jack,’

for several reasons scarcely to be thought of; and which offers in fine a provision for old age so slender, as to place the recipient in every respect in a disadvantageous position, contrasted with that of those associates of his boyish years, who were proof against the seductions of the recruiting serjeant.

These causes have always existed to a certain extent, but never to so great an extent as at present. The English army is permanently larger now than at any time since the conclusion of the great European War. Ireland, the seemingly inexhaustible recruiting ground of the empire, has, from political causes, ceased to afford the same material as of yore. Those of her sons who under ordinary circumstances would have filled up the gaps in the ranks of the British army, have gone to foster Fenianism in America. Our colonies every year attract more labourers to new fields of industry. Then again, India, which at present requires 70,000 British troops to guard her,—brought nearer to England,—stripped of many of the attractions with which distance clothed her,—no longer possessing a local European service with a monopoly of staff appointments,—is regarded by the would-be recruit with aversion rather than with interest, and service on her soil is, whenever possible, declined. Finally, the limited service system gives to soldiers the option of returning to civil life before their best years are exhausted by soldiering, and this is a liberty of which the majority certainly take advantage.

These various causes tend with unerring certainty to one result,—to make the recruiting of the English army a matter of extreme difficulty. To this difficulty the attention of the English public has been called over and over again in the columns of the *Times*, and, more often still, in the leading articles of those journals which devote themselves more especially to military subjects. The public, though at first startled, has ceased to be surprised at this result. It is now admitted that this question constitutes the most important military question of the day. A Royal Commission, composed of some of the most experienced and practical men, in the English civil and military services, has been appointed to consider it. If when, as in the ante-mutiny

“says she, ‘I will live on dry bread until it is paid, but I must have a screen to  
 “‘put up at night.’ We got a screen, and my wife is eating *dry* bread now,  
 “and so am I; but I don’t care about myself, it is for her sake I speak. Now,  
 “‘who is to blame for this? I am sure some one is to blame, for neither Queen  
 “‘nor country expect more from us than our best blood. That I have shed  
 “‘already in India,’ and while I remain in the service I am always ready to do  
 “the same without a grumble; but I cannot stand by and see women and  
 “children treated like swine without speaking.”

period, India absorbed less than 40,000 English troops,—when Fenianism was unknown,—when the attractions of America and the colonies had not been developed to their present extent;—if then the recruiting fields of England were unable to bear the drain upon them of a war of only two years' duration,—what would be the result, if hostilities were to break out now? Under the present military arrangements, and in the existing state of the empire, there are absolutely no reserves. We are told, on authority which it is impossible to dispute, that the difficulties in the way of keeping up the army at its present strength are so great as to be almost insuperable; that recruitment presents every day fresh obstacles; that therefore the maintenance of our army at the strength considered necessary for the support of British authority in various parts of the world is a matter the attainment of which causes great anxiety to the War Office. This is the case, be it remembered, in a time of profound peace; when from Peshawur to Cape Comorin, from the East to the West, not a shot is fired in anger throughout our Indian Empire; when Canada and Australia are not threatened; when even New Zealand has preferred to trust to its local army for its operations against the savages. If then these difficulties occur in the green tree, what will they be in the dry? If we can scarcely procure recruits for our peace-establishment, how will there be any possibility of doing so, should England be forced to take part in the war now raging on the continent? During the Crimean War, we recruited in Germany, we bought the aid of Sardinia. But in the present war Germany and Italy are principals in the fight, and will require every available man to fill up the gaps in the ranks of their own armies. We shall not even have the resource which was available and which was largely used during the great war with Napoleon. Hanover has ceased to be under the same ruler as England, and indeed, though independent now, it will probably find itself before long permanently united to the straggling territories governed by the Hohenzollern. Even Canada, which in the Crimean War, furnished a regiment to the mother-country, will require all its manhood for its newly embodied militia. We shall thus be confined in a time of war to a recruiting ground, which, it is admitted, is insufficient to fill up the vacancies occurring in a peace-establishment. Few will deny that this is a state of things that demands serious consideration. None, we think, will aver that it is a question the solution of which may well be postponed till the urgent necessity shall have arisen. This is an argument refutable by the fact that the necessity has in part arisen already. The difficulty of recruiting a peace-establishment is one of the great difficulties



of the hour. The unpopularity of service with the army is reported from all quarters of the United Kingdom. Remove that difficulty, popularise that service, and we will then admit that we may await patiently and confidently the approach of any contingency, rendering it necessary for an English army to take part in continental wars.

In considering the difficulties attendant upon recruiting, the *Times* newspaper has addressed itself chiefly to the importance of attempting to diminish the strength of the army, and it has indicated this country as the field in which such a diminution might take place. We entirely agree with the writer in this particular point, provided only that the diminution of European troops be effected on a principle whereby the services of all the subjects of the Crown of England may be judiciously apportioned in the territories dependent on England. To the mode in which this might be effected we shall hope to advert in a future article. We consider it, we confess, rather an adjunct to, than an integral portion of, the subject we are now discussing. That subject is how to popularise service in the British army. The diminution of European troops in India will affect, to a very minor degree, the principle of that subject, although undoubtedly it will remove some of the difficulties in the way of the efficient recruiting of a peace-establishment. The more important subject demands therefore our first and principal attention.

There are two modes in which military service may be rendered attractive. The first is to increase very considerably the pay of all ranks and grades throughout it. The second is to introduce, to its fullest extent, the principle of reward for good and honest service. It is this, the second principle, that we advocate. There are many reasons why we think the other would fail in its object. In the first place, it would be very expensive. An increase of pay which would render the service popular amongst the classes from which the army is recruited must be extremely large; it must extend to pensions as well as to pay proper; and it would necessitate likewise eventually a considerable increase in the pay of the officers. But the expense would not constitute the greatest objection to this plan. Supposing, for instance, that the pay of all ranks and grades were to be greatly increased, we believe that the army would present little more attraction to the peasantry of England than it does at present. The system would remain just as it is now, in all its component parts, with the exception of the pay. Now it is less to the small pay than to the bad system that the mind of the labouring classes objects. We do not indeed believe that the pay of a private at the outset is at all or very much too small. He is extremely well fed, he

is well clothed; his lodging, if not at the present time everywhere such as it ought to be, will be shortly, under arrangements which have been sanctioned, all that he can desire; the system of workshops, introduced into this country by that gallant gentleman and true friend of the soldier, the late Commander-in-chief, provides him with remunerative and interesting employment; there are, besides, regimental libraries and regimental schools, and in many stations there are occasional exhibitions of the industry of the soldier. Taking this into connection with the fact that at the outset of his career, much of the time of the private is taken up in learning the duties of his profession, we cannot but come to the conclusion, that very little is wanted to improve his condition during the first few years of his service. Young soldiers are almost always contented. It is when they have sickened of the novelty of military service, that they begin to feel all the wretchedness attendant on the monotony of barrack-life. It is then that they ask themselves:—to what does such an existence tend? Awakened from their fleeting enthusiasm, they look at the prematurely aged forms of soldiers of twenty years' service, and ask, with a despairing tremor, if such is to be their future. It is true that the limited service system gives them a gleam of hope, but it is not hope of the right character. We would desire that it were the hope of staying on and rising in the service; but it is, alas! the hope of leaving it for ever. Is this hope to be born of increased pay? This is the question we propose to consider.

We have stated our belief that for the first few years of his service,—the first four or five,—it would not be advisable to increase the pay of the soldier. If an increase is to be made at all, it should take the form of a gradual addition, year by year, to his income. But we question whether any addition whatever, of a moderate nature, would make entrance into the service more attractive to the peasant, or continuance in it more attractive to the young soldier. It would not make it more attractive to the peasant for the following reasons. In the first place, the English peasant instinctively hates soldiering. The revelations made to the cottages only in recent years by the penny press, have not lessened his aversion. On the contrary, the same conviction which has long pervaded the educated middle-class has begun to find entrance amongst the more enlightened of the labouring class, that if a man have brains or talents, or acquirements of any sort, he will find a more likely and a more profitable field for their development in any branch of civil life than in the army. We do not believe that the fact of the existence of the punishment of flogging in the army has much

effect in deterring men from entering its ranks. We do not think that the class, from which the military raw material is produced, think much about that question. The fact is, that military service never has been popular in England. It was not popular in the days when there were few other openings to the poorer classes, and it certainly is not more so now when it has to compete with the mills of Lancashire and the sheep-walks of Australia.

Admitting then the existence of this aversion, the question is still before us, whether increase of pay would tend to diminish it. Again must we express a negative opinion, and we will frankly state our reason. Nobody denies, it is indeed patent to all, it is known in the cottages as well as in the towns, that within the last ten years a wonderful improvement has been made in the condition of the soldier. We have enumerated some of these improvements, and it will be quite unnecessary for the purpose of our argument that we should recapitulate, or enter into any full detail regarding them. We wish merely to advert to the fact that before any of these changes were introduced, when they were merely under discussion, very different prophecies were hazarded as to the result they would produce. Whilst the officers in favour of the change indulged in the most favourable opinion as to their working, those of the old school augured every possible evil. The maxim upon which apparently the Duke of Wellington's civil administration of the army was based, that the soldier could be kept in a state of obedience, not merely by the strictest discipline, but by the denial to him of all indulgences, by keeping him in a state of moral and mental degradation, found followers and imitators after his demise. Relax one thong of the bands with which he is now bound, asserted they, and he will gradually unwind himself altogether. He will proceed from one relaxation to another, until the very core of discipline is sapped. The advocates of reform only partially agreed with these views. They held indeed, that it would be as impossible as it was in their eyes undesirable to loosen only some of the degrading bonds which made the English soldier, as a human being, a reproach to his fellow-countrymen. They believed that, in this case above all others, that which was morally right could not be politically unsound, and they argued that it was unworthy of a great nation to continue to keep the soldier alone of all classes, persistently and with design, in gross and degrading ignorance. They felt that not only his physical, but his moral condition, up to that time neglected, purposely kept dark and degraded, ought to be greatly improved. Such were their views as a question of

right. But when they looked at the consequences, they differed even more widely from their opponents of the old school. Far from seeing in this relaxation of bonds which had become, as they believed, too tight for endurance, any cause of apprehension with regard to discipline, they regarded it as the means whereby the soldier would become a better soldier as well as a better man. They looked forward to making him a useful, instead of a dreaded member of society; to rendering him content with his lot, in place of cursing it; to give employment to his weary hours, instead of forcing him to spend them in that idleness which is the root of all evil; to weeding him from the habit of drinking, instead of compelling him to fly to stimulants for forgetfulness; to making him an educated, a reasoning being, instead of one whose worst passions were fostered by compulsory ignorance. All their measures, in fact, tended to this result, and they believed moreover that when these results had been accomplished, the difficulties which even then, though to a far less extent than now, lay in the way of the recruiting officers, would disappear, and that service in the army would become as popular as it had, till then, been the reverse.

Now it is almost unnecessary that, after a trial for ten or twelve years of the new system, we should record how it has worked. It will suffice to state that the men of the old school, the supporters of repression, of rum, and of ignorance, no longer exist, that every one is in favour now of treating the soldier in all matters, not affecting purely military discipline, not only as a human being but as a citizen of Great Britain. Many of the courses that were to humanize him have been adopted. In this country almost every suggestion tending to his improvement has been carried out. His rations are admirable; he has the best beer that Burton can produce, in place of the deadly rum of ancient days; the new barracks that are being built for him are palaces in comparison with those of times gone by; the hospitals are all that could be wished for; punkahs are pulled over him, and in all places where *tatties* are useful, that comforting article of furniture is supplied to barracks. His nights are no longer rendered sleepless by the attacks of mosquitos, for he is allowed curtains as well as punkahs. Nor is his moral condition less cared for. A plentiful supply of books, newspapers, and periodicals; occupation of a remunerative character in the trade in which he has been brought up; a plot of ground for a garden; these are all available for him, and should he not take advantage of them, the fault must rest with him; and not with the authorities.

Yet with all these advantages, admitted and patent to the world, one result has not been ascertained: the service has not

been popularised! The loosening of the bonds of vice and ignorance has indeed made the soldier a better man, but it certainly has not made him more contented with his lot in life. On the contrary, he sees now, to a greater extent and to a more extended degree, how great is the abyss between himself and the citizen. The love of freedom and individual liberty is so deeply implanted in the breast of every Englishman, that the soldier, if a man of energy and enterprise, cannot fail to draw an unfavourable contrast between his position and that of those who are labouring on their own account. Hence it is, that the best men, their minds enlightened by education, and their intelligence quickened by experience, almost always take advantage of the limited service act, and take their discharge at the earliest opportunity. Some indeed are not content to wait so long, but when possible, purchase their discharge. It has thus happened that the effect of the relaxation of the old shackles has been actually to increase discharges from the army, and, unfortunately, whilst it has done this, it has not simultaneously increased the admissions from outside. The increase of education and general knowledge has not been in the army alone; it has spread all over the country. The same causes, therefore, which have contributed to produce an increase of discharges from the army, have brought about, amongst the labouring population, a greater reluctance than ever before existed to enter into it. In the earlier portion of this article, we have referred to the competing influence of America, the colonies, and other places. In comparison with the inducements which these offer, the newly-introduced advantages of military service are not appreciated. Against these, in fact, the bid for the labourer's service is not high enough.

What will make it so? Will increased pay to the non-commissioned officer and private bring about such a result? We greatly doubt it. It is not, in fact, the small amount of his pay that constitutes the grievance which at the termination of his first period of service sends back the soldier to the world. Small as it is, it is still greatly larger than the amount doled out to the privates of the French, the Austrian, and the Prussian armies. He is in every respect better cared for than they are. He has better food, better accommodation, a larger amount of attendance. Yet, whilst they are comparatively contented, he is dissatisfied. The difference of national character cannot altogether account for this marked difference of feeling. There is another, a more marked, a very real, and a very vital difference, to which we shall presently refer. We shall endeavour, however, first to show that increase of pay would not remove that desire to leave

military service on the first opportunity which we believe to exist. We leave out of consideration, entirely, the important fact that the increase, to bring the profits of the soldier on a par with those of the members of his class engaged in civil employments, would constitute such an augmentation of the military budget, as would terrify any Chancellor of the Exchequer, and impart renewed energy to the partisans of the Manchester school. We would argue the question on its merits, and we think we shall be able to show that an increase in the pay of the private would most probably have an effect precisely the opposite of that which the supporters of such a reform anticipate.

Any increase of pay to the privates would, we presume, be a gradual increase, to be given after so many years of service. Doubtless other conditions, referring to the good conduct of the private during that period, would be added. But that would be the main principle. Now those who consider that a mere increase of pay on such conditions would satisfy the natural ambition of an ordinary man and would keep him in the ranks, argue as if men were not men but machines. What is the bright hope which the recent spread of education has awakened in men's minds, which has made them eager to demand their discharge at the earliest opportunity? It is simply the longing desire to attain a field in which they may exercise their own energies for their own advantage. The increase of pay, in a confined sphere like that of the army, offers to them no hope of attaining that end. Under ordinary circumstances, a rise above the non-commissioned ranks is denied to them. To what then have they to look forward? What will their increased rate of pay procure for them? They are not in want of material comforts. For these the Government provides. What then will a soldier do with his increased pay? If he saves it for the twenty years that entitle him to his pension, he has seldom health at the end of that time to enjoy it. What then, we repeat, will he do with it? We cannot answer for all,—we cannot reply for the idle, the dissolute, and the drunken. But we are much mistaken in the teaching of the past, in our study of human nature, if the good soldiers, the men of active minds and enterprising characters, would not save it up for the purpose either of buying their discharge at the earliest possible period, or of supplying themselves with a small capital upon which to enter into civil employment on the completion of their first period of service. An increase of pay to the privates would in fact tend inevitably to increase discharges by purchase, and discharges after the completion of a period of service.

But, if ineffective in this respect, it would be equally undesirable in another point of view. It would, we think, be very impolitic to make the condition of the private a condition of too great ease,—to give him too great a command of cash. Nothing, in our opinion, would tend more to foster a bad feeling, that is to say, a feeling of improper independence than such a procedure. It would nourish that worst and most condemnable part of the military spirit, which in France, in the days of the First Empire, contemptuously applied the term '*Pekin*' to every one who was not a soldier. It would most certainly render it more difficult to maintain discipline, for all the evil-disposed men would at least have the means whereby to indulge in their favourite vices. In addition to this, we may remark that in itself it constitutes but a poor and mean way of rewarding military virtue; that it is in fact a method essentially anti-military; utterly opposed to that spirit of chivalry which, alike in ancient times and in the middle ages, constituted the moving impulse of a really national army. This we conceive to form no light objection in the way of its being tried. Not that we would assert that under the present system chivalry reigns in the breast of every corporal and private. That is indeed too great a desideratum to be easily attained. But what we do insist upon is this:—that whilst money-payments are kept as much as possible out of the sight of the private soldier, then the reign of chivalry is possible; where such payments are put prominently forward as an inducement to continue in the service, there the mercenary instincts alone are fostered, and chivalry dies. But it may perhaps be urged that no increased pay should be granted until after the conclusion after the first period of service, but that then a large bounty should be offered for re-enlistment, and increased pay should follow that step. It is probable that by such means many old soldiers would be recovered who, under the present system, are lost to the State for ever. But we cannot believe that such a boon would very much affect the recruiting grounds. An increase of pay after ten years' service, unaccompanied by any prospect of rising beyond the barracks, would constitute an advantage too remote and too unattractive to induce the population of the three kingdoms to enlist in the first instance. Now this is the great desideratum. Unless legislation touches this,—the vital point of the whole question,—legislation will be useless. This plan would no doubt, by inducing men to re-enlist at the expiration of ten years' service, to a certain extent lessen the drain upon the population. But it would not put a stop to such a drain altogether. Calculating the yearly losses of the entire English army from death and

invaliding alone at 7,000 men and from other causes at 3,000, (independently of the proportion who under a new system of bounty and increased pay would re-enlist) there are thus 10,000 annually to be provided for by the recruiting-grounds of the country. The remote attractions of increased pay after ten years would not draw one tithe of these to the ranks.

We think we have now shown that the specific of an increase of pay to the privates as a means of popularising military service is not only unsound and impolitic, but that it would end in failure. We are confident that in no single point would it answer the expectations which its advocates have formed regarding it, whilst it would cause a drain upon the resources of the country such as no Chancellor of the Exchequer could contemplate without dismay. We dismiss it the more readily, because we propose to submit for consideration another system, of proved efficacy in other services, causing no extra expense, and necessitating only the trampling under foot of some prejudices which are unmistakeably existing out of their time in the latter portion of the nineteenth century.

Before we advert to the scheme itself, we will state in a few words the principle upon which it is founded. It is founded on the recognition of the feelings and impulses by which the majority of men are actuated in their struggle with existence; on the encouragement of that aspiring spirit which lies at the root of some of the noblest impulses of the human heart. It is our firm conviction that only by an appeal to, and by an encouragement of, those legitimate aspirations, will the generality of men be induced to oppose a bold front to the temptations which a life in a barrack tends so much to encourage. To borrow the noble language of one of the greatest of English statesmen, one whose marvellous career presents so much to ponder over and admire;—when men do not aspire they will grovel. Now all will admit that to maintain an hundred and fifty thousand men in a service in which they cannot rise to its higher offices, is to discourage the great majority of them from the cultivation of the intellectual aspirations, naturally implanted, more or less, in the heart of every man. Shut out from aspiring, it has followed that the soldier has grovelled. Or, when his natural instincts have revolted against a course so downward, so deadening, so self-destructive, he has waited silently the moment when he could leave a service in which his better nature, his higher thoughts, were daily and often hourly seared by the hot iron of a compulsory depression. Now, by the plan we propose, we would appeal, not to the mercenary instincts, but to the better, the God-implanted feelings of the individual man; we would



remove at once the barrier which, by its mere existence, has served to check him and drive him back into himself; and although we would take every precaution that no man should be promoted who was not qualified for such promotion, we would, in every feasible and legitimate manner, encourage all to prepare for that new life, the very vista of which in the distance would awaken all the energies of the soul.

To demonstrate by the experience of the past, that the adoption of the principle to which we have alluded would most certainly produce the results we anticipate, is, happily, no difficult task. That principle, though in an unacknowledged form, influenced actively the enlistments into the small English army, which, prior to 1859, received the pay and served under the orders of the East India Company. It was an admitted fact that not only was recruitment for the Company's service a matter of far greater ease than enlistment for the Royal army, but in numberless instances the recruits came from a better class of men. The reason was plain. The Europeans in the pay and service of the Company constituted a force extremely insignificant in point of numbers, yet from this small force all the many non-military appointments under the East India Company were filled up. From this source were supplied all the lucrative and highly-considered posts in the subordinate grades of the Commissariat and Public Works Departments. But this was not all. There existed a grade below indeed that of commissioned officer, but above that of the non-commissioned,—the grade of subordinate staff officers. Those who attained to this grade, were styled commissaries, overseers, conductors, and sub-conductors. It was possible too to mount from this grade to a commission. In addition to this, there were in Bengal alone upwards of an hundred and twenty regiments, regular and irregular, which were supplied from the small European force of the Company with serjeant-majors, and quarter-master serjeants. The Ordnance and Barrack Departments likewise took their proportion,—no small one,—of non-commissioned officers, sub-conductors, conductors, and overseers. Thus it happened that although nominally there was but little difference between the conditions of service in the Company's army and those of the Queen, practically there was the difference of a very important principle. For the privates in the Company's army had their better and higher feelings constantly appealed to. They had only to aspire to rise. The appointments open to them were so numerous, so lucrative, leading to a position so much superior to that open to them in their regiments, that there was a constant encouragement to all of them to qualify themselves for something better,—not, as in

the present day, by quitting a service which shut out from them all prospects, but by fitting themselves more and more for their position, by studying to be better in their moral conduct, and more useful in the acquirement of professional qualifications. The after-career of these men was thus widely different from that of their comrades in the Royal army. They attained gradually to staff appointments. Being allowed good substantial quarters, each quarter constituting a house by itself, they generally married. Their allowances enabled them to give their children a sound practical education. Their position was not only well recognised and highly respectable, but in the eyes of the soldier it took the shape of the *ne plus ultra* of human happiness. So large were the numbers of this class, that they constituted a society by themselves, whilst, as a society, it enjoyed this great advantage, that its members were men of the same class,—men who had gone through the same training and the same school,—men who were therefore able to feel that ease in their intercourse with each other, which equality in station and similarity in training almost always produce.

That such positions were attainable,—and attainable solely through the ranks of the Company's army,—constituted the real reason of the greater extent of its popularity in the recruiting grounds of the United Kingdom. It was impossible that facts like these could long remain unknown. Hence it was that the Company's service attracted the best class of recruits. Its regiments had within their ranks many men of a good education, sometimes even gentlemen, who, unsuccessful in their early careers, hailed the chance offered them by a service in which it was possible to rise by good conduct to a respectable position,—military, yet outside the barrack yard. Lord Ellenborough used to say that there was more romance in the ranks of Bengal artillery than in any similar number of men in the world. His meaning was that that splendid service; with the numberless staff appointments in the Ordnance, the Barrack, the Public Works, the Commissariat Departments depending upon it, attracted a greater number of broken down gentlemen and ruined men of education than any other body in the world. The glorious deeds of the Bengal artillery are written in many a battle-field. No more splendid achievements illumine the history of any artillery in the world. And they performed these deeds, whilst supplying conjointly for a very long time with one, only for the last thirty years of their existence with two, and for the last three or four years with three, European regiments, the entire subordinate staff appointments of the Presidency. It was thus apparent that whilst the system attracted good men from without, the

service did not in the smallest degree suffer from the great drain falling upon it; but during all that long period of an hundred years gained and maintained a reputation, which, like that of its contemporary, the Company's European regiment,\* was unsurpassed and unsurpassable.

This system then answered in every way. There was no difficulty in recruiting, no deterioration in the new regimental material; notwithstanding the drain for staff appointments made upon it, there was comparative contentment in the barracks, and absolute contentment in the subordinate staff grades. Such a wide field has seldom been offered, and probably will never be offered again to the outside labouring and needy classes. In a few years a recruit might become a serjeant, then a sub-conductor free from all restraints of barrack-life, a conductor, an assistant-commissary, a commissary, often after that an officer! And what were the requirements necessary for such a line of promotion? Simply good conduct, ordinary intelligence, and the necessary rudiments of education. The system was in its way perfect.

Where is it now? Gone,—gone alas! with many other good institutions which existed before the mutiny,—hastily, or meanly, or ignorantly, certainly ruthlessly, chopped off. The subordinate staff appointments indeed exist, though in diminishing numbers, but there are eight times the number of Europeans to compete for them. Where there were five thousand men from whom to select candidates there are now forty thousand. The vacancies which occur in the appointments which were then all filled up, are not so many as to be materially felt among so large a body of men. The consequence is that they do not, they cannot affect the conditions of the service. That service, with this vivifying principle so lessened, so diminished within it, no longer attracts the outside community. By the absorption of the advantages of the Company's army, great for so small a body, into the enormous army of the Queen, their effect has been destroyed; they are no longer appreciable. We cannot, at least we ought not to be surprised. When we stated just now that there are now eight Europeans to compete for the prizes of the service instead of one as formerly, we greatly understated the case. This indeed is the result of a rough computation of the number of troops in the Bengal Presidency, but it must be remembered that these troops are constantly being relieved, and that the proper proportion is the number of the troops in all India before the mutiny to the total number of troops now in Her

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\* Now H. M.'s. 101st Bengal Fusiliers.

Majesty's army. That at least is the calculation which ought to be made, if we are arguing as to the effect which the subordinate appointments in India have on the recruiting grounds of England. But in fact the point is altogether beyond argumentation. It is admitted that those attractions have lost their charm; that considering the scattered state of the British army, the impossibility of calculating as to what quarter of the globe a regiment may be sent, not one man in a thousand now enlists with a view of competing for the once prized appointments of Indian service.

This then is the present condition of the army. No tangible attractions are offered by the recruiting serjeant, his duties have been deprived of much of their romance, and his eloquence is tamed down by the matter of fact and commonplace picture present to his mind. The consequence we all know. The recruiting of the army is becoming yearly more difficult.

We have been induced to give details regarding the conditions and the results of the late Company's service, because, as we stated at the time, those conditions and those results involved a great principle. It is not because these things are things of the past that we praise them; it is only because we hope to gather from those old relics a principle which may be well applied to present difficulties. We do not believe that the entire restoration of the past system would remove those difficulties. At the best, they would remove them only so far as a local Indian army would be concerned. With respect to the Imperial army, they would remain in as full, perhaps even in greater force. But the principle is immortal. How to apply then that principle which succeeded so well with a small army to the entire army of Great Britain, is the point to the consideration of which we propose to devote the remainder of this article.

In order to aid us in arriving at some practical results on this point, we propose to consider in the first place the mode in which the armies of the three principal States of Central Europe, France, Austria and Prussia, are recruited and officered. From this consideration we may hope to deduce some results which will, we trust, be considered not inapplicable to the question on which we are engaged. Our task regarding the three nations referred to is the more easy, as full details have been given regarding the organization of their several armies in a late number of *Fraser's Magazine*.

Up to the time of the Crimean War, the French army was recruited by means of the conscription. In 1859, however, certain reforms were made, which had the effect of greatly popularizing the service. It was our good fortune to see a great deal of

the French army in the year 1863, and we were greatly struck by the feeling of entire contentment that pervaded its ranks. Nearly one-half of the vacancies for that year, close upon 40,000 men, were, we were assured, filled by voluntary enrolments. The fact is, the present Emperor has made the condition of the soldier his special study. Whilst his enemies, in spiteful envy at his popularity with the troops, never tire of asserting "*il a gorgé l'armée*," the simple truth is that he has treated his soldiers as human beings, as men who can think and feel and reason like the rest of the world. He has increased the pensions of the privates, facilitated the granting of exchanges and substitutes, and given the men numberless encouragements to return to military service after their period has expired. It could not indeed be expected that military service in a country, limited though it is to seven years, should become so popular as to induce the labouring classes to furnish 80,000 recruits every year; but that it supplied half that number is, we think, an incontestable evidence of the comparative popularity of military service in France.

Let us now examine the mode of promotion adopted in the French army. This is given in the following memorandum embodying the principal provisions of the Ordonnance of April 14th, 1832, and which is still in force. It runs thus:—

"No private soldier eligible for promotion before six months' service in his grade; corporal, ditto, ditto. All other sous-officiers up to adjutant sous-officiers required two years.

"Sous-lieutenant must be eighteen years old, and have served as sous-officier two years (consequently in all three years); or have been an élève of one of the military schools, and *passed his examination as such*. He requires two years' service in his grade to be eligible for promotion to lieutenant, who also requires two years; captains four years, chef de bataillon, escadron, or major three years, lieutenant-colonel two years, after which three years' service in the lower grade is required before an officer is eligible for further promotion.

"*One-third* of the vacancies for sous-lieutenant is reserved for the sous-officiers, *two-thirds* élèves of the schools.

"*Two-thirds* of the vacancies for lieutenants and captains are filled up according to seniority; *one-third* by selection.

"*One-half* of the vacancies for chef de bataillon, escadron, is reserved for seniority, *the other half* for selection, all majors (adjutant-major) the latter.

"In the colonies or on active service, the periods required for rendering eligible for promotion may be curtailed; they may be altogether dispensed with—either on account of a distinguished

“ action that has been mentioned in general orders, or to fill up as many vacancies as are absolutely necessary to fill in a corps acting in the field.”

“ In war time or in such corps as are actually engaged in the field, *one-half* of the vacancies for lieutenants and captains is reserved for selection.

“ No honorary military grade can be conferred, nor a rank higher than that belonging to the employed Officers that have been pensioned can never be replaced in activity.”

Now the main principle pervading these rules so far as they affect the privates is this :—that one-third of the vacancies for *sous-lieutenant* are reserved for the non-commissioned officers. The remaining two-thirds of the officers are trained in the military schools. Owing however to the system of selection adopted in the higher grades, it seldom happens that a non-commissioned officer rising from the ranks attains to a higher grade than that of captain or of *chef de bataillon*. But it must be admitted that these grades are sufficient in a time of peace to gratify the laudable ambition of a volunteer or a conscript. In time of war the promotion to grades still higher would naturally become more easy.

That the advancement to the higher grades of men promoted from the ranks is not greater, cannot, we think, be attributed to any defect in the principle on which the French military system is founded. That principle is simply the securing of equal rights and equal chances to all. That those who rise from the ranks do not rise higher is rather due to the fact that they have to compete with men who have received a thorough education in the military schools, and who thus start with an immense advantage over their comrades in the ranks. Cases however still occur in which the staff of the marshal is bestowed upon a self-made warrior.

It is no doubt desirable, as a rule, that those who hold high rank in the army of a country should belong mainly to the governing classes, or rather, that their interests should be identical with the interests of society at large. This is accomplished in the French system by the principle of selection which prevails after the rank of field-officer has been attained. This system of selection brings about the same results, only by a different process, as the system of purchase in the British army. By means of both, young men are enabled to rise to high commands. Which is the better system may be doubtful. Theoretically perhaps the French practice has the advantage. Probably however each is best adapted to the country to which they severally belong.

The constitution and habits of the French army are so entirely different from those of the English, that no advantageous

comparison can be made between them. That the existing English system is not at all adapted to the French army is certain. Before the revolution of 1789, the organization of the French army was not unlike that of the English. The result in the field may be told by the words 'Minden' and 'Rossbach'; the effect on discipline, by the fact that the announcement of the principles, known as the principles of 1789, was sufficient to sever the tie between officer and private, and to turn the army against the system of exclusion of which they considered the sovereign and the aristocracy to be the key-stone. It is an undoubted fact that the guaranteed promotion to one-third of the commissioned grades to men in the ranks constitutes, in the present day, the vivifying principle in the French army. Let it be well borne in mind, however, that this principle, advantageous to the masses by opening out to them a certainty of the rise of a number amongst them to good offices, is deprived of any noxious character it might have by the mode of selection adopted with reference to all who have attained the rank of field-officer.

We turn now to the Austrian army. The conscription in Austria embraces all classes of society except the great nobility. But the service is so far from being unpopular, that numbers enter its ranks voluntarily, content to strive for a position which gives them a certain *status* in society, and allows them privileges which compensate, to a great extent, for their small modicum of pay. "A man," says the writer in *Fraser's Magazine*, "may enter the army as a conscript or volunteer and afterwards become cadet; or he may volunteer as cadet at first, thereby binding himself to eight years' service; and this is the most usual course." The same writer continues thus:—"The Regimental cadet has, properly speaking, no rank; but it is usual, as he learns his work, to give him honorary rank as corporal and serjeant. \* \* \* During six to eight months in the year, regimental schools are held for the candidate officers (cadets) and candidate under-officers (lance-corporals and privates) the teachers being officers, and the commandant, either a major or senior captain; the subject being chiefly military, the junior scholars who may need it receiving also elementary education. The system works very well, and very good practical officers and non-commissioned officers come out of these schools."

\* For the purpose of supplying a sufficient number of scientific and highly-educated officers, similar to those who pass into the service through the schools in the French army, there have lately been organised a great number of military schools in connection with

the Great Military College, for officers of the line; of Neustadt. The pupils in this college, 468 in number, are educated gratuitously. Formerly one-fourth of them were nominated by the Provincial Estates, the remainder by the Emperor, but the system is now stated to be as follows:—

“The college at Neustadt and the other military establishments all work into one another; for instance, only those pupils of the junior schools that give a promise of greater proficiency are passed into the cadet schools, the others going into the army as non-commissioned officers; and only the better cadets are passed into the academy at Neustadt, the others going as cadets to the regiments, to take their chance of promotion as practical men. Nearly all the academy-men come out as officers, and are allowed to select the corps they may wish to serve in; some few who fall through come out as cadets.”

“The system of promotion adopted is thus described:—“The proprietor of an Austrian regiment promotes up to the rank of first captain, and the Crown from major upwards. It was necessary to mention this, because it has to do with the qualification-lists that are annually made out for the guidance of the proprietor and the Crown in the exercise of this very important function. These qualification-lists are made up for the officers and cadets by all the field-officers of the regiment or corps in committee; or in the case of single battalions the two senior captains act as field-officers. The lists for the non-commissioned officers are made up by all the officers of the company, squadron, or battery, also in committee. These officers, therefore, assume a responsibility, and the possibility of personal pique being gratified at the expense of ruining the prospects of an individual, as has more than once happened with the confidential reports of the British army, is very much diminished; but, in order to give even those whose conduct may be deserving of censure, or who have proved themselves simply inefficient, every fair chance, the regulations prescribe that whenever anything detrimental, however trifling, has been introduced into the lists, the individual to whom it applies must be made acquainted with it, and is required to affix his signature in evidence.”

“The writer, from whom we have so largely extracted, considers that “on the whole, the Austrian system is more worthy our own attention and perhaps imitation, in some respects, than any other.” We cannot share that opinion. In the first place, proprietors of regiments are now unknown in the British army, whilst most of the Austrian regiments, except the Jäger battalions and some others, belong to the influential noblemen whose name they bear. The writer points out how badly the system;



works in this respect, and we are of opinion with him that the most urgent reform required in the Austrian army is the placing all the regiments on the footing of the Jäger battalions. It must be admitted however, that by the existing system, promotion up to a certain grade is provided for a certain number of conscripts and volunteers. Practically, however, a conscript or volunteer seldom rises in the infantry above the rank of captain, in the cavalry never so high. From our own personal experience of the Austrian army in 1863-64, we came to the conclusion that the men were capital material, that they were happy and contented,—the German element at all events,—but that they entertained the poorest opinion of their superior officers. One private, with whom as a Jäger or keeper in the Imperial service, we wandered over some of the glorious mountains of the territory known as the Salzkammergut, told us that he could never forget Magenta, where the division, which he served, was for thirty-six hours without food, and forty-eight without orders.

“With the exception of clergymen and a few others,” writes the Military Correspondent of the *Times* with the Prussian army, under date the 8th June last, “every Prussian in the year in which he becomes twenty years old, is liable to military service for five years, three of which he spends in the regular army, and two in the reserve. On completion of this service, he is placed in the first levy of the Landwehr for seven years, and afterwards in the second levy of the Landwehr for seven years more. When it is necessary to raise the regular army to a war-footing, the reserve is first drafted into the ranks, then the first levy of the Landwehr, and afterwards, if necessary, the second levy.”

So far as regards entry into the service, for which, it will be seen, the entire male population of Prussia is liable. The first step to be adopted in order to become an officer is thus described by the writer in *Fraser* :—

“Any person desirous of becoming an officer must enter a regiment, battalion, or corps, either as a volunteer for one or three years,\* or have been regularly conscribed as a soldier. Any sub-officer or private who has completed his seventeenth year, not yet attained his twenty-fourth birthday, and served six months, has a right to demand an examination for the rank of Porte-épée-Fähnrich;† this is the first step, and the

\* The one-year volunteers are candidates for commissions in the Landwehr.

† Porte-épée is the silver sword-knot worn by all Prussian officers. The Fähnrich or ensign, who wears this distinctive mark without the epaulettes, is in fact a candidate officer.

“ individual who attains it performs most of the duties of an officer. If the commandant of the regiment, &c., think fit, he may permit a young man to go up for examination immediately on entering the service; but the certificate of having passed cannot be granted till the six months’ service has been completed.

“ This examination may be dispensed with altogether, and the individual put on the list for promotion to the rank in question in two cases; *first*, for distinguished conduct in the field; *secondly*, on the production of a certificate from a Prussian gymnasium of having passed the necessary examinations to qualify for entrance at a Prussian university. We must here remark that the gymnasium answers nearly to our undergraduate course.

“ The subjects of examination are:—German language, grammar and composition in writing and orally; Latin language, passages from Livy, Sallust, Caesar’s Commentaries, Curtius, or Cicero, written from dictation, then translated, grammar orally; French language, passages from French authors written from dictation, translated into German, and *vice versa*, grammar orally; mathematics, written questions in common arithmetic, theory of equations, progressions or logarithms, geometry, trigonometry, orally the same; geography, mathematical, physical, and political, both in writing and orally; history, in writing, one subject from ancient Rome or Greece, middle-ages in Germany, modern, orally; general history, drawing, plan; perspective; and from Nature, executed in the room.

“ Having passed this examination satisfactorily, the candidate is placed on the list for promotion to the *Porte-épée-Fahnrich*, and nominated when a vacancy occurs, by Royal patent or commission, the individual continuing his service meanwhile in his regiment or corps.\*

“ We must here mention, that there exist certain military establishments for cadets, where sons of officers, &c., are educated, as in olden time, at Great Marlow. A proportion of these youths enter the army with the honorary rank of *Porte-épée-Fahnrich*, which after six months’ service attested by their captains, &c., is converted into real rank as such by the issue of a patent.

“ Here we have the first step or probationary period of the Prussian officer; it involves, as we see, two distinct qualifications, the book-learning that may be acquired by the aid of others, but which avails nothing unless evidence has been afforded of the

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\* There is one *Porte-épée-Fahnrich* in each company, squadron, and battery, who takes the place of a subaltern officer.

“ physical and moral aptitude of the candidate during a previous  
 “ period of actual military service ; moreover, the very form of  
 “ examination insures a more or less perfect understanding of each  
 “ subject, and puts the mere gabble of repetition out of the  
 “ questions ; the whole thing, too, has reference to his military  
 “ career. The Porte-épée-Fähnrich is permitted to proceed to his  
 “ officer’s examination after nine months’ further service, but he  
 “ must be under twenty-six years of age. Landwehr officers  
 “ whose eventual transfer to the line has been sanctioned by the  
 “ King, are permitted to proceed to the line officers’ examination  
 “ immediately after they have passed the Porte-épée-Fähnrich one ;  
 “ and young men who have either entirely or nearly completed  
 “ their university course, and having been, *eo ipso*, without further  
 “ examination, named Porte-épée-Fähnrich, may also at once  
 “ proceed to the officers’ examination.

“ This takes place at Berlin, and all the Fähnrichs are summoned to appear, and be examined according to their seniority ;  
 “ ‘ the honour-men ’ are put on the list for extra promotion, the  
 “ pass-men for promotion by seniority, according as vacancies may  
 “ occur. Young men who came out of the cadet institutes with  
 “ officers’ patents, have their rank adjusted according to the seniority of the Porte-épée-Fähnrich of the regiment, so that the  
 “ latter are not placed at a disadvantage. It seems, however, that  
 “ the present tendency is to get as many cadets and as few purely  
 “ regimental candidates as possible ; but this is, probably, more  
 “ for simply political reasons than otherwise.

“ The subjects for the officers’ examination embrace nearly the  
 “ entire cyclus of military art and science, that is to say—the  
 “ theory of arms, gunpowder, guns and portable fire-arms, cutting  
 “ weapons ; fortification—field and permanent, including attack  
 “ and defence ; surveying and plan-drawing, instruments, their  
 “ use, topographical surveys, sketching, drawing representation of  
 “ ground profiles, &c., military stylistic reports, orders, &c., knowledge of military regulations, discipline, courts-martial, &c. ;

“ Having satisfied all the above requirements, the candidate is  
 “ put on the list for promotion, as explained above, and gets the  
 “ vacancy that falls to his lot in his own regiment, provided meanwhile he has not forfeited his claim by bad conduct, and *that*  
 “ *the corps of officers* who are consulted by the colonel for that  
 “ purpose *do not make any objection to him*. An individual thus  
 “ objected to is provided for in some other corps.”

“ It will be observed that the writer states it to be the present tendency of the Prussian system to bring in as many cadets and as few regimental candidates as possible. He is right in attributing this system purely to political motives. Within the last few

years, with a large and hostile party to it in the country and the great towns, the Prussian Government has made extraordinary efforts to confine the officers of the army to a class upon the members of which they might confidently rely.

However that may be, and differing as do the constitution of the three armies we have referred to in many essential points, it has yet been shown that they have one principle common to all, and that a principle unknown, as a rule, to the English army. We need scarcely say we allude to the admission to the grade of commissioned officer of a certain number of men who have risen from the ranks. It is our firm belief that the contentment with their profession of the great majority of the soldiers of the continental armies is caused by the existence of this principle. Having ourselves enjoyed opportunities, subsequent to the year 1860, of noticing the condition of the soldier in the three countries we have referred to, we have no hesitation in stating our opinion, that in point of education and knowledge the private soldiers of the English army are much behind those of Prussia, those of France,—and certainly behind the men of the provinces of Styria and the two Austrias who enlist into the Imperial Austrian army. May not this result be traced likewise to the same cause? One instance at least we may give of the state of backwardness existing in some English regiments. During the mutiny, a German, ignorant of the English language, but ambitious of fame and still more of a commission, wished to enlist in an English regiment under orders for India. Accompanied by a comrade, as unacquainted as he was with the language, he found his way to London, and to the Horse Guards. Here the two friends had an interview with the then Under-Secretary, Sir Henry Storks. Fortunately they could speak French, and in that language they made their wishes known to Sir Henry. The interview terminated by their being sent to a regiment about to sail for this country. Mark the result. One of the friends soon found a career in India of far greater promise than military service, and bought his discharge. The other, in about two years after joining, having been, be it remembered, at that time ignorant of the English language, obtained, as best qualified, the position of schoolmaster-serjeant of his regiment. He was, it is true, no great scholar; but being what he was, he was still a greater proficient in the English language, in reading it and writing it, than the born Englishmen and Irishmen of whom the regiment was composed. Now such a case could not have happened in a Prussian, a French, or an Austrian regiment, because education is one of the unroyal roads by which a private must travel to attain to the position of an officer.

We know that it has been said, and will doubtless be said again, that an English army is an army of peculiar formation; that the men like to be led by gentlemen; and that, as a rule, they have little respect for officers who have raised themselves from amongst their own body. We regard this however as a very fallacious argument. Even if it were sound, it would be a question whether it is possible, on other grounds, to maintain the existing system. But we reject its cogency, and for the following reasons. Hitherto promotions from the ranks in an English regiment have been extremely exceptional. Those which have been made were, as a rule, the consequence of some act of great personal daring. There has been no encouragement held out to the men to prepare themselves by means of education to meet the other officers of the corps on terms of intellectual equality. Hence it has happened, in the rare instances of promotion from the ranks, that the men of the regiment have shown their dislike to the man promoted, because they have known that in point of educational qualifications he was in no respect their superior. Men like to be led by those who are superior to themselves. But it is not so much the accidental superiority in birth that they look to, as superiority in attainments,—to that knowledge, in fact, which gives self-confidence, and which enables the possessor to perform the duties of any position into which he may chance to fall. Hitherto the man promoted from the ranks has been unpopular, because not having acquired these attainments nor possessing this knowledge, he has endeavoured to make up for the want of them by bully and bluster towards his inferiors, by the assumption of a false dignity, which has sat upon him so ill as to expose him to the merited ridicule of those who were formerly his comrades, and who know his real calibre. That the fact of a man rising to a commission from the ranks would not, under proper safeguards, expose him to this treatment, may be fairly reasoned from the example of the continental armies. In those armies he is forced, before he can rise, to pass such an examination as would place him on an equality, in point of attainments, with the men who have entered the service through a military college. His promotion then excites no envy. He has no necessity to assume any dignity. The knowledge he has acquired gives him a power which those who are striving to obtain the same position by the same means would never think of disputing. He is on the contrary respected for having qualified himself for the position he occupies.

But it is urged again that promotion from the ranks would throw too much power into the hands of commanding officers.

Those who so argue can only suppose that the army would, in other respects, be left as it now is, and promotions made without scrutiny or test of any sort. But a measure which had for its object the popularising of the military service as well as raising the tone of the army would go far beyond this. Such a measure would not be complete, unless it brought home to each individual soldier the fact that a commission was a privilege within the reach of those who exerted themselves to deserve it. A stimulus would thus be applied to all,—to all at least who were not utterly demoralized,—to strive for the prize. Such a measure likewise would provide tests and examinations,—not indeed of so rigorous a nature as the ordeal for the commissioned ranks in the Prussian army,—but sufficiently strict and embracing a sufficient number of subjects to give the successful candidate a self-confidence which would enable him to mix on terms of equality, with his brother officers,—to inspire respect in the minds of the men. Education, we may be sure of it, so enlarges the mind, exercises such an influence on those who partake of the advantages she offers, that it becomes comparatively easy for those who qualify themselves by her teaching to efface the bad impressions of early life, and adapt themselves to the new and better mould of the society into which they are brought as members.

It will be concluded from the observations we have made, that our specific for popularising the military service is simply promotion from the ranks. Yet, in making this proposition, we would especially guard ourselves against the charge of bringing forward a measure of a revolutionary character. So far from being revolutionary, we are satisfied that our plan, in the modified and guarded shape in which we are about to submit it, is eminently conservative; that it is, in fact, a necessary corollary of the military reforms which have taken place during the last ten years. In the shape to which we have adverted it is simply as follows. In place of allowing entrance to the commissioned ranks of the army to be made in every case through a military college or by means of a public examination of the young candidates, we would reserve one vacancy out of every four for the rank and file. The French give them one-third, we would propose to give them one-fourth. In every regiment we would institute a class for candidates for commissions. The public examinations for passing out of this class should be held once or twice a year at every military station in the empire. It is not necessary to detail here the precise branches of learning which these examinations should embrace, but they should not certainly be of an easier character than those by means of which a purchase-candidate now enters the army.

We are confident that were the offer made to the men, not only would many qualify themselves, but,—what is of greater importance,—it would induce men of a different stamp and higher social position to enter the ranks of the army. In fact by means of this ordeal and its consequences, the army would cease to be regarded as a refuge for the destitute, but would come in time to be looked upon as a ladder by means of which men might educate and fit themselves for the position of an officer.

A measure of this nature cannot certainly be called revolutionary in its character; it would affect no existing interests; it would injure nobody. It would, we are confident, on the other hand, whilst raising the tone of the army, give a stimulus to education all over the country. It would neutralize the effect of the attractions of our colonies and the seductions of Fenianism. It would speedily remove from the rank and file of the army the reproach, that upwards of sixty per cent of their number are unable either to read or to write. It would benefit alike the officer and the private. It would cast down that iron-barrier which makes them at present two distinct nations, with different instincts and different ideas on all subjects, and would bring forward education as the bond by which both could be united. We believe the effect on the morals and discipline of the army would be most beneficial. The better feelings of the men would be encouraged, those that cause them to grovel would receive the severest check. Once more contentment, born of the union of aspiration with encouragement, would pervade the barracks, and evince itself in the manly and self-respectful bearing of the soldier. And if indeed it would not be much of an argument to say, that by such a measure the constitution of the English army would be brought into greater harmony with the constitutions of the armies of the continent, we could, at all events, legitimately rejoice over the fact that the English army would be thereby brought into closer affinity with the customs of English society, with those broad and manly and life-giving principles which form “the mainstay and the main element of the English character.”

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## SHORT NOTICES.

*The Legends and Theories of the Buddhists, compared with History and Science: with introductory notices of the Life and System of Gotama Buddha.* By R. Spence Hardy. London, 1866.

THE priests of Buddha in Ceylon have of late purchased presses and type, and commenced the publication of tracts, pamphlets and serials in large numbers. The King of Siam and one of the native chiefs in Kandy afford them munificent support, and their publications find extensive circulation among the native Singhalese. They put forth many arguments that are new and ingenious; "but the defiant and blasphemous expressions they contain against the sacred name of 'Jehovah' are probably the most awful ever framed in human language." To put them down as far as possible, the Rev. Spence Hardy, then head of the Wesleyan Mission at Colombo, undertook in 1863 to write a pamphlet with a view to expose some of the most notable defects and errors of Buddhism, and the new weapon which the Bishop of Natal had just then forged for the especial benefit of polemical writers, was selected as the most efficient for the purpose. "Buddhism 'not historically true'" was the motto adopted, and the arguments of the good Bishop were followed to the letter. Arithmetic, geology, chemistry and Baconic induction were all put into requisition to prove the physical errors of Buddhism, and the untrustworthy character of Singhalese history. It was asked, for instance, if 10,000 priests were present at the naming of Dutugamana, how were they all accommodated? "How could so small a province as that of Magam support by alms so great a number of persons; and how could the King provide milk for the rice of all in a country where it would be difficult now to procure a single measure?" Again, if Pruduwasa was King in 504 B.C., how comes his great grandson Dutugamana "to bound on the royal diadem in 161 B.C.?" It gives 343 years for only four generations, when the period, according to our modern statisticians, should be only 80 years or 20 years to a generation. Again, how could there be, within a very short period after the landing of Wijaya, one hundred thousand villages in a province far distant from the seat of the principal government, and how could forty-seven of those be inhabited by pearl divers? Then, the



chronology of the Singhalese freely deals in cycles of time which are represented by figures bearing thirty-three cyphers; these must necessarily be "unhistorical." In carrying out this line of argument, a large mass of legends and theories, bearing on history, metaphysics, cosmogony, and futurity, as believed in by the followers of Gotama Buddha, were brought together and published at Colombo under the title of "The Sacred Books of the Buddhists compared with History and Science." A revised edition of this pamphlet constitutes the substance of the book whose title heads this brief notice. It is full of the most outrageously absurd tales that human extravagance could devise. It treats of mountains 36,103,500 miles in circumference, of fish 10,000 miles long, of lions which jump 11,200 feet at a spring, of birds 1,500 miles long, and of trees 1000 miles high. To attempt to disprove them by sober argument is scarce more profitable than to attempt to talk reason to a madman. But inasmuch as those fables, monstrous as they are, form the groundwork of a religion professed "by no less than three hundred millions of the human race," it is of importance that their true nature should be fully exposed, and the reverend author has done good service to the cause of Truth by bringing them to light. His new work may not in any way supersede the author's "Manual of Buddhism" or his essay on "Eastern Monachism," but to men engaged in missionary labours in Ceylon, who are often called upon to meet the priests on their own ground in controversy, it is sure to prove a very useful hand-book.

*Institutes of Jurisprudence.* By William Austin Montrieux, Advocate of the High Court, Bengal. Calcutta, P. S. D'Rozario and Co. 1866.

ONE of the most promising features in the progress of civilization\* in this country is the impetus which the legislation of the past few years and the tendency of existing institutions have given to the study of the law by those to whom its administration is entrusted. The revision and codification of substantive law was not the only legal amendment, which but a few years since was so loudly demanded for India. Reform was also needed in the procedure of the courts, and to a great extent in their very constitution. Such reform since then has been, and is being gradually introduced, and the most interesting feature connected with it is the extent to which it has been seconded from within. It has met with no resistance from the

dogmatic conservatism of English lawyers, but has on the contrary been fostered and encouraged by the more liberal education, both at home and in this country, of those who are selected to preside over its tribunals. The special training now-a-days prescribed for the Civil Service and the establishment of Law-Lectureships and other facilities for acquiring a legal education in this country will, it is to be hoped, effect as satisfactory an improvement in the constitution of the Bench, as the labours of the Indian Law Commissioners have effected in the substantive law.

Not the least proof of our assertion is the rapid creation of a law-literature for this country. The publication of text books has kept pace with the consolidation of the Statute law, and has succeeded in a remarkable degree in rendering our legislative enactments accessible and intelligible to all. Meanwhile, doubts have been elucidated and explained by the highest courts of the land, whose decisions and rulings have been given periodically to the world. The work of reform has thus been supplemented by an energy within, an energy pervading all ranks of the profession, barrister, civilian, and pleader alike. It is in this view, that though somewhat foreign to the character of our *Review*, we yet feel it our duty to call attention from time to time to some of the more valuable contributions to the study of Indian law. The last few months have been unusually prolific in such, and we have now several works on our table calling for notice at our hands.

Mr. Montrion's work is one of the most important and original contributions to law-literature that have yet appeared in this country. For eight years a Professor of Jurisprudence in the Presidency College, the author has studied his subject diligently, and has been enabled in the present volume to elaborate some difficult portions of jural science. The subject itself is one of interest to all, but more especially in a country where, in the creation of a codified body of substantive law, it is attempted to found that code upon the universal principles of the law of nations. And in thus publishing his examination of those principles as applied to Indian law, Mr. Montrion, we conceive, has only completed those duties, on which, as we have said, he has till lately been so usefully engaged. Many of his old pupils, we are sure, will be glad of the opportunity thus afforded them of recalling the studies of earlier years, and the words of their revered Professor. And they will be no less proud of the justly high eulogium, with which Mr. Montrion has urged their claims in the dedication of his work to Lord Stanley: "My observation at the college during eight years, and no less in the courts as fellow-labourer with the numerous young law-graduates, enables me to testify (rather I may say to add my

"testimony to the general voice) that the ability and aptitude "evinced by native law-students and by native law-practitioners " (each grade under no ordinary difficulties) are remarkable—"are worthy of admiration and of every encouragement." And these remarks will be endorsed by everyone who has had the opportunity of admiring the legal acumen displayed by some of our educated native pleaders. Mr. Montriqu's book will not be altogether new to many of our readers. It is indeed "based and built upon" his *Manual of Jurisprudence*, a neat little handy-book, the second edition of which appeared about three years ago. But the '*Institutes*' have a wider scope and aim at a "more methodical treatment" and "exact analysis." The present volume is intended as the first portion only of a more complete and elaborate treatise, and we sincerely trust that the author will be encouraged, and find leisure to pursue his investigation of the subject.

*The Code of Criminal Procedure (Act XXV of 1861), and other laws and rules of practice relating to procedure in the Criminal Courts of British India. With notes containing the opinions delivered by all the Superior Local Courts.* By H. T. Prinsep, Bengal Civil Service, and Registrar, High Court, Calcutta. Calcutta, R. C. Lepage and Co. 1866.

THE post of Registrar to the High Court in its Appellate Jurisdiction is one that has always been coveted by members of the Service, on account of the superior facilities it affords for the study of Indian law. Mr. Prinsep has evidently made good use of his opportunities, and he has conferred a great benefit upon his fellow-labourers in the administration by the publication of the book before us. The bulk of the volume is naturally occupied by the Code of Criminal Procedure, elucidated by the author's remarks and the rulings of the Superior Courts. To this is annexed an appendix containing certain amending and other Acts, the law of procedure by Justices of the Peace in dealing with charges against a European British subject, the laws relating to offences committed in foreign territories and of extradition, and the law and rules relating to the Police. The value of such a hand-book of Criminal procedure may be more easily imagined than described, and we doubt not it will receive the hearty support of all who are engaged in the administration of the law. The work has been printed in a large and clear type with ample margin, though perhaps the text has been unnecessarily disfigured by a number of asterisks and daggers, calling attention to the definitions of the terms employed. It is also much to be regretted

that the author has not supplemented his work with a more copious index to its entire contents, instead of merely confining it to the text of the Criminal Procedure Code. A reference to a particular Section of the Code will not always afford complete information on any given subject, while the student is totally unprovided with any clue whereby to find the Section under which the various rulings are quoted. It is not yet too late to correct this defect, and we earnestly recommend to Mr. Prinsep's attention the compilation of a more particular and complete index to the entire work. A list of cases quoted or referred to might also be advantageously annexed.

It has been objected that Mr. Prinsep's system of reference to the decisions quoted by him is imperfect and valueless. But we cannot concur in such stricture. It would have been impossible, not to say inconsistent with the character of the work, to have published at full length reports of all the cases referred to. Such reports have been published, though perhaps not always under express authority, and they can therefore be consulted on occasion. It was only Mr. Prinsep's duty in the volume before us to call attention to such cases, and this task we think he has successfully performed by quoting the number and year of the order referred to, with a short abstract of the ruling in the case. To expect more is to expect that Mr. Prinsep should edit "under authority" the full official reports of all the cases quoted by him.

*The Registration Manual, containing the new Registration Act, No. XX of 1866, with the Registrar-General's Rules, Tables of Fees, Schedules of Stamp Act, &c.* By W. L. Hceley, Esq. c.s. Registrar-General of Bengal. Calcutta. George Wyman & Co. 1866.

THE registration of documents affecting the transfer of landed property, although permissible and always encouraged by peculiar facilities under the British rule, was not made compulsory in India until the commencement of last year; and the system then introduced can only be regarded as a progressive step towards the more accurate and complete registration of title. Such as it is however, if it may not be said to have created a revolution in conveyancing, it has undoubtedly had an important effect upon all transactions relating to the transfer of immovable property; and the consequences of ignorance of the law on this subject are so fatal, that every attempt to diffuse a knowledge of its strict provisions must be regarded as a public boon. And in this view Mr. Hceley's book will no doubt

prove of great assistance to lawyers, zemindars, and others concerned in the tenure or transfer of land.

As in reviewing Mr. Prinsep's work, we asserted that the imperfection of the index was its main defect, so the completeness of that annexed to the "Registration Manual" constitutes its chief value. It is in fact a model index, and will be found to supply information on every conceivable point of the registration procedure. The rest of the volume is merely a re-print of the Act and Rules; although Mr. Heeley has done good service in bringing together the various orders on the subject, and exhibiting them in a compact form.

*Dictionary of British Indian Dates, being a compendium of all the dates essential to the study of the history of British rule in India.* William Blackwood and Sons. Edinburgh and London. 1866.

THE importance of a knowledge of dates does not so much depend upon their intrinsic value, as upon the facilities which they afford for purposes of reference and comparison. They form the "circulating medium" of universal history, by the aid of which we are in a position to take an accurate survey of contemporaneous events in different parts of the world, and so contrast the various stages of civilization. As by reducing the prices of commodities in different countries to the same money standard, we are able to compare their economic conditions, so the use of dates in studying the annals of any country enables us to regard it as one of a family of nations, and to contemplate the successive phases of its history in connection with the manifold conditions of the outside world. The study of dates therefore, considered in this view, is not mere "cram," as is sometimes supposed, but where properly taught and applied, must lead to the most useful results. The mere ability to repeat the dates of the sovereigns of England may in itself be no very praiseworthy acquirement; but if the student has at the same time been taught to use this knowledge for the purpose of comparing and contrasting various events in different parts of the world, the acquisition has been a valuable exercise not of the memory only, but to a large extent of the reasoning powers also. While therefore a good examiner would attach little importance to the correct recital of mere dates as such, he would rather seek to test the use in which this acquisition was employed, and would be right in assigning high marks to that boy who showed that he valued a good memory chiefly as an aid to his reasoning faculties.

Most people have at times to complain of a treacherous memory: there are few of us upon whose minds the history of British India is written so indelibly that we have never occasion to refresh an imperfect recollection. To such this unobtrusive little manual will perform a very useful and opportune part. In 177 pages, nearly half of which again are occupied with a detailed list of Legislative Acts and Regulations, we have in fact a summary of British Indian history up to the year 1860. The book is something more than a dry compendium of dates; it is an alphabetical index to important persons, places, and events connected with our rule in this country, and under many of the headings we find an interesting abstract of history. We would especially notice those of the *Court of Directors, India, and Indore.*

*Report on the Calcutta Cyclone of the 5th October 1864.* By Lieutenant-Colonel J. E. Gastrell and Henry F. Blanford, A. R. S. M. With maps and diagrams illustrating the origin and progress of the storm and the track of the storm-wave. Printed and published for the Government of Bengal, by order of the Lieutenant-Governor. Calcutta. 1866.

WE have at length, in the work before us, a fairly detailed account of the great Calcutta Storm of October 5th 1864. It is so common in India for official reports to appear long after all interest in the matters to which they refer has ceased, that when, as in the present case, we receive a digested account instead of the *indigesta moles* which forms the usual bulk of such reports, we are rather inclined to feel grateful to the authors than to blame them for the delay. In the present work we are assured in the preface that the interval which has elapsed since the Cyclone has enabled the writers to avail themselves of greatly increased materials for describing it, and although many details are far from complete, we have, probably, in the book before us, the fullest account ever published of one of the remarkable and destructive circular storms peculiar to the neighbourhood of the tropics.

The Cyclone of October 1864 was, perhaps, one of the most destructive ever recorded. The loss of life, so far as ascertained (a great part from estimate only), is stated to be 48,685; this is exclusive of the deaths from sickness attributed to the effects of the Cyclone, which are estimated at 25,000 to 30,000 more; and even this fearful destruction of nearly 80,000 human beings is believed to be probably short of the truth. The destruction of

property belonging to Government in the Public Works Department alone was £140,907; that of private property was naturally enormous, but it has been found impracticable to obtain trustworthy details. We learn however that in the three districts, Midnapore, Hooghly, and the 24 Pergunnahs, upwards of 130,000 head of cattle were swept away, or nearly as many as all the victims to rinderpest in the United Kingdom, while thirty-six ships were wrecked and ninety-seven more severely damaged. When to this fearful list are added the 33,000 human victims of the Masulipatam Cyclone in the same year, (an estimate exclusive of the subsequent deaths from starvation and sickness,) some idea may be formed of the imperative necessity for careful enquiries into the origin and action of the storms to which such losses are attributable, in the hope that means may be found of at least mitigating their ravages.

It is, of course, impossible that we should do more than briefly call attention to this volume; it will, we believe, repay perusal. The cause of the Cyclone is traced from its origin at sea to the west of the Northern Andaman Island on the 2nd of October, during its northward progress up the Bay of Bengal on the 3rd and 4th, and over Lower Bengal on the 5th and 6th, until it apparently exhausted itself amidst a deluge of rain in Lower Assam on the afternoon of the 7th. Amongst the numerous personal accounts of those who experienced the hurricane in different places on its track, and which are incorporated in this report, many are extremely graphic, and give an admirable idea of the fury of the hurricane. We read of the *Alexandra* steam tug, which, while steaming with full power against the wind, was driven thirty miles astern: of Mr. Grant at Koila Ghât, who, after the house in which he had taken refuge was blown away, hung on for his life to the stem of a cocoanut tree, while the water of the river brought up by the storm-wave rose above his waist: of the self-registering anemometer at Calcutta which made an expiring effort to mark a pressure of thirty-two pounds to the square foot, and was then blown away bodily. The accounts of the storm-wave, to which the terrible loss of life recorded is mainly due, are no less striking. It appears to have risen in places as much as sixteen feet above the level of high spring tides, and to have swept over the low but thickly populated tract on the banks of the Hooghly, with a depth of from six to twenty feet.

• It is however, as a contribution to meteorological science that this work is especially valuable. We believe, that it is the important addition to our knowledge of the phenomena of cyclonic storms that has yet been produced in India. This

is due to several circumstances; *first*, the facilities afforded by the passage of the storm over a country where educated European observers are more numerous than in any other part of India, for obtaining approximately reliable barometrical and thermometrical observations, and especially for determining the time at which changes in the wind took place; *secondly*, to the large amount of information on the subject of cyclones in the Bay of Bengal already collected by the late Mr. Piddington; *thirdly*, to the general progress of meteorological science; and *lastly*, to the careful observations of Mr. Baines at Kandy in Ceylon, and the valuable assistance thus afforded in ascertaining the meteorological conditions of the area to the southward before and during the Cyclone. Nor should the services of the Madras and Calcutta observatories be forgotten. The result is that a theoretical explanation of cyclones is given different from that previously expected, and that several remarkable phenomena are indicated which were previously unknown. It is shown not only that cyclones are especially prevalent at the change of the monsoons, but that they are probably coincident with the existence of a low atmospheric pressure as indicated by the barometer, together with a strengthening current of air saturated with moisture, from the south, and due to this current impinging upon a mass of air either motionless or moving slowly in the opposite direction, just as eddies are formed in a stream by the meeting of waters flowing in different directions. It is further shown that a cyclone is, in its origin and progress, no more than a gigantic eddy, with a strong ascending current at or near the vortex, fed by streams of air rushing in from all sides, but especially from that of the current originally productive of the cyclone; not however in straight lines, but, in obedience to a well-known law, in curves, which near the centre are almost circular. To the upward pressure and centrifugal force of the wind the excessive descent of the barometer appears to be due. The most remarkable discovery, however, is that the vortex, when formed, with its well-known central calm, is not constant, as has hitherto generally been supposed, but that the storm appears to generate a series of successive vortices along one line as suggested by Admiral Fitzroy. Thus the vortex of the 3rd October is shown to have been formed 280 miles to the northward of that of the 2nd, which meantime appears to have died out, and it is highly probable that the central calm felt at Contai was distinct from that which passed over Tumlook and Koila Ghât, and that this vortex again was succeeded by others as the storm travelled northwards in the tract east of the Hoogly, and again north



Comte classed the history of all human science in three ages,—the religious when everything is a matter of blind faith, when solemn fasts are held in the hope of obtaining rain, and poojah is performed to avert eclipses; the metaphysical, when words take the place of facts, and apparent resemblances are considered proofs of identity of origin, when circular storms are classed, as they were by one not undistinguished meteorologist, with table-turning, or attributed to electricity; and lastly the scientific, when facts are carefully collected, and theories only attempted as an induction from ascertained data. We are glad to find that the law of storms has at last landed on the firm ground of scientific induction.

The work is accompanied by a copious appendix of details, by maps illustrating the course of the Cyclone, the wind observations, and the area flooded by the storm-wave, and by barometric and other tables.

*A Trilingual Dictionary ; being a comprehensive lexicon in English, Urdu and Hindi, exhibiting the Syllabication, Pronunciation, and Etymology of English words, with their explanation in English, and in Urdu and Hindi, in the Roman character. By Mathurá Prasáda Misra, Second Master, Queen's College, Benares. E. J. Lazarus and Co. Benares. 1865.*

THIS work has few rivals as a dictionary of the English language for the use of native students. Its vocabulary of words is ample, and their meaning is given first in English, then in Urdu, and lastly in Hindi, the Roman character however being retained throughout. It is of course intended for use in the Upper Provinces rather than in Bengal, and we are convinced that it will be received there as a valuable exposition of the English language, and find a place in the library, however limited, of every educated native. And the fact of its having been prepared by one of their own countrymen, will probably not be its least recommendation to those amongst them who are anxiously watching for the results of our present system of English education. If there is one work, which more than another requires patient thought and unwearied industry, we should say it was the compilation of a dictionary, and Mathurá Prasáda Misra, by the successful completion of his work, has satisfactorily proved that our system of training is not always at fault.

The most important feature perhaps in the work is the prominence given by it to the despised and neglected vernacular, ~~Hindí~~. And the reason of this is candidly stated by the author

in his preface. The Hindí though possessing but a limited vocabulary and having little or no literature of its own, is nevertheless in his opinion, deserving of greater study, as being the language spoken by the great mass of the people over a very large portion of India, from Bhangulpore to Lahore. Within this area there are no doubt numberless dialects, differing widely perhaps within a few miles; but the substratum is already to a certain extent uniform, and a national literature is all that is required to stamp the Hindí with a recognized and permanent character. "Hindí, like a modest maid, has withdrawn from the public gaze in towns and cities, yet it has ever been present around our hearths and amid our family circles. Our mothers and sisters, our wives and daughters, exchange ideas only in genuine forms of Hindí." Urdú may be used in public and in the higher walks of life, but when the day's business is over, it is the homely Hindí which is the medium of communication between master and servant or in the domestic circle. It is therefore by means of Hindí as the vernacular, that the Hindoos of Behar and the North-West must have the blessings of education diffused amongst them.

This fact has already been accepted by the Government and the missionaries in the North-West, and among the latter no one perhaps has laboured more earnestly and with greater success towards the promotion of a healthy Hindí literature than Dr. Lazarus of Benares. His is, we believe, the first Hindí printing press that has been set up in the North-West, and it has already been the means of publishing several useful books in that language. Dr. Lazarus has also attempted to prepare a font of Hindí type that shall combine neatness and perspicuity with economy of space. It is to this gentleman that we owe the "Trilingual Dictionary" before us. Though prepared by Mathurá Prasáda Misra, it was at the suggestion and expense of Dr. Lazarus, by whom the proofs were carefully read and revised. To him moreover the author is indebted for the vocabulary of the roots of English words, the abbreviations used in writing and printing, and the dictionary of quotations taken from the Latin, French, Italian, Spanish, and Portuguese languages, which form an invaluable appendix to the dictionary. The enterprising publisher of such a book will, we trust, meet with the amplest encouragement.







